



Habitats Regulations Assessment

National Policy Statement for Data Centres

Department for Business, Innovation, Science and Trade

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6	Change to threshold for NSIP	27 October 2026	LM	RA	VP

Basis of Report

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Executive Summary

This report presents the Habitats Regulations Assessment (HRA) of the National Policy Statement (NPS) for Data Centres in relation to listed and proposed European Sites (e.g. Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)) and Ramsar sites, and any sites required to compensate for adverse effects on such sites.

The draft NPS for data centres is not directly connected with or necessary to the management of any listed or proposed European and Ramsar sites. Therefore, subsequent steps of Stage 1: Screening must be undertaken.

The draft NPS acts as the primary decision-making policy document for the Secretary of State on data centres as Nationally Significant Infrastructure Projects located within England, as per Section 35 of the Planning Act 2008. It is a strategic document, which does not identify specific locations for data centre development. In light of the Conservation Objectives (COs) of European and assumed COs for Ramsar sites, Likely Significant Effects (LSEs) cannot be objectively excluded due to the draft NPS alone or in combination. The draft NPS can lead to several impacts with potential impact pathways to listed and proposed European and Ramsar sites within England, Scotland, Northern Ireland, Ireland and other countries, and their territorial waters. Therefore, Stage 2: AA was undertaken to determine whether the draft NPS, either alone or in combination with other plans or projects, could adversely affect the integrity of the listed or proposed European and Ramsar sites, considering possible mitigation measures.

Mitigation is currently provided within the draft NPS. This reduces the risk of adverse effects on the integrity of listed and proposed European and Ramsar sites arising from the draft NPS for data centres and resulting development proposals. Additional mitigation measures are outlined, which are further supported by mitigation measures in relevant plans and projects.

The proposed mitigation measures were incorporated into the draft NPS, except for three mitigation measures, and allow for the risk of adverse effects on site integrity to be reduced. However, the key mitigation measure, to not permit data centre proposals which have adverse effects on site integrity, was not able to be accepted and therefore Stage 3: Derogation was undertaken, considering its three legal tests.

For the first of these tests, five alternative solutions were considered (1: Do Nothing, retaining a 'business as usual' approach; 2: NPS with adoption of key mitigation measure; 3: Utilising National Development Management Plans (NDMPs); 4: Updating existing data centre sites with greater capacity; and 5: Increasing the use of overseas data centres) as well as alternative options for thresholds for national significance. None of the Alternatives 1 to 5 provide a more effective means of delivering the Government's strategic objectives for data centres and are less damaging to European or Ramsar sites in comparison to the draft NPS. This was also the case for the threshold alternatives. Specific data centre proposals will still be required to consider Imperative Reasons of Overriding Public Interest (IROPI) in the context of their potential adverse effects on relevant European or Ramsar sites and their qualifying features. Test 1 is passed as there are no alternative solutions and Test 2 must be undertaken.

For the second of these tests, it was possible to conclude that the draft NPS for data centres is of imperative and overriding public interest. The benefits of nationally significant data centres and associated guidance within the NPS will bring about far-reaching benefits to the public in the UK across numerous sectors as they underpin so many aspects of modern life. Specific data centre proposals will still be required to consider IROPI in the context of their potential adverse effects on relevant European or Ramsar sites and their qualifying features.



The third test, Test 3: Secure Compensatory Measures, cannot be undertaken for the draft NPS as it must be specific to the project and the adverse effects identified, if relevant. However, it is expected that securing satisfactory compensation measures could be achieved in all likely scenarios.

Therefore, the draft NPS can be adopted following completion of this HRA.



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Acronyms and Abbreviations

AA	Appropriate Assessment
AI	Artificial Intelligence
AoS	Appraisal of Sustainability
BNG	Biodiversity Net Gain
BtM	Behind-the-Meter
CO	Conservation Objective
CIEEM	Chartered Institute of Ecology and Environmental Management
BIST	Department for Business, Innovation, Science and Trade
EIA	Environmental Impact Assessment
EMF	Electromagnetic Field
FLL	Functionally Linked Land
HRA	Habitats Regulations Assessment
INNS	Invasive Non-Native Species
IROPI	Imperative Reasons of Overriding Public Interest
LNRS	Local Nature Recovery Strategy
LSE	Likely Significant Effect
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
SAC	Special Area of Conservation
SACOs	Supplementary Advice on Conservation Objectives
SEA	Strategic Environmental Assessment
SPA	Special Protection Area



1.0 Introduction

1.1 Background

The Government has identified growth of the data centre sector in the UK as a key priority to support, grow, and develop the UK's economy. Data centres are physical facilities that organisations use to house their computing equipment, such as servers and associated telecommunications, network and storage systems. These can be situated on the premises of an organisation or hosted by third parties external to the organisation itself. They are also an important and distinct sector with their own commercial pressures, market models, public policy requirements, and need for highly skilled, professional personnel.

Data centres face challenges in development and sustainable growth of the sector. To address these challenges, the Government has committed to reforming the existing planning rules for data centres. Data centre developers will be able to use the Nationally Significant Infrastructure Projects (NSIP) regime to apply for planning permission using section 35 of the Planning Act 2008, with the Secretary of State acting as the decision maker.

Pursuant to this, the Department for Business, Innovation, Science and Trade (BIST) has developed a draft National Policy Statement (NPS) for data centres. A NPS is a public document guiding the decision-making process for NSIPs, as defined under the Planning Act 2008.

1.2 Habitats Regulations Assessment

Under the provisions in the Planning Act 2008, a new NPS must be supported by an Appraisal of Sustainability (AoS) and a Habitats Regulations Assessment (HRA). This report presents the HRA of the draft NPS for data centres and follows the methodology outlined within the HRA Methodology report¹, which has been updated below in Section 2.0 in response to consultation with Natural England.

1.3 Appraisal of Sustainability

The drafting of the new NPS for data centres is undertaken in parallel with the HRA and the AoS, allowing both findings to holistically inform the development of the NPS. The AoS will meet the requirements of the Planning Act 2008 and the Strategic Environmental Assessment (SEA) Regulations (Statutory Instrument No. 1633). It will assess the likely social, economic and environmental effects of a NPS and recommend options for avoiding or mitigating any significant effects identified. Any mitigation measures proposed will be considered at Stage 2: AA of the HRA. The AoS helps to inform an NPS which promotes sustainable development for data centres.

1.4 Consultation

The HRA Methodology report was provided to Natural England to seek agreement on the approach and methodology before the HRA was undertaken. A response was received on 24th October 2025, in which Natural England broadly agreed with the approach outlined. The following points were highlighted for consideration and have been incorporated into this report, where relevant:

¹ SLR Consulting (2025) Habitats Regulations Assessment Methodology National Policy Statement for Data Centres. Dated 18 September 2025, Revision 2.



“1. General:

Natural England recognises that data centres represent a relatively new development type, and as such, we are still building our understanding of their potential environmental impacts. We advise that the HRA adopts a precautionary approach, or clearly states that the list of potential impact pathways is based on current knowledge, which may evolve over time.

Due to the high volumes of water potentially required for data centre cooling operations, we highlight that the HRA should pay particular attention to potential impacts on water resources, especially where data centres may be developed near designated sites that have water level and temperature sensitivities, alongside the associated environmental impacts from abstraction and discharge.

2. Geographic Scope (Section 2.4):

We note that the geographic scope is defined as England and its territorial waters. While data centres are likely to be land-based, some referenced materials include marine elements. Therefore, we advise that Section 2.2 also references the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended), or provides a clear rationale for their exclusion.

3. Temporal Scope (Section 2.4):

The definitions of temporal scope are noted; however, it is unclear how these will be applied and what implications they may have. Further clarification on their intended use and potential consequences would be helpful.

4. Watercourse Impacts (Section 3.2.1–2):

The methodology refers to low water flows in rivers only. We advise that this should not be limited to rivers, as other protected watercourses (e.g. streams, lakes, wetlands) may also be affected.

5. Coastal Impacts (Section 3.2.1–2):

Potential impact pathways do not currently include coastal impacts such as coastal change, alterations in coastal processes, or benthic scouring. If impacts to protected coastal sites are not anticipated, please include a clear rationale for this.

6. Operational Impact Pathways (Section 3.2.2):

We recommend including impingement and entrainment of fish as potential operational impacts associated with water abstraction.

7. Protected Sites – Location Assumptions (Section 4.2.2):

Natural England notes the statement: “Direct impacts to listed or proposed European and Ramsar sites will not be included as part of this Step, as it is considered highly unlikely that a data centre would be proposed to be located within these designated sites”. While we agree that such development is unlikely based on the mitigation hierarchy, we do not consider this assumption sufficiently robust. Unless the National Policy Statement explicitly prevents development within designated sites, the possibility remains and should be accounted for.

8. Protected Sites – Site Listings (Section 4.2.3):

The statement that “There are no potential SPAs, possible SACs or proposed Ramsar sites in England” appears to be inaccurate. While we have not conducted a detailed review, we note that Teesmouth and Cleveland Coast is a proposed Ramsar site. We advise that this section be reviewed and updated accordingly.

9. In-Combination Assessment (Section 4.2.3):

The proposed in-combination assessment appears to focus primarily on other NPS and NSIPs. We advise that other relevant plans or projects should be considered, such as local



development plans, local transport plans, local minerals and waste plans, water resource management plans, shoreline management plans, marine plans, other commercial or residential developments. Alternatively, please provide justification for their exclusion from the HRA.

Although not presented as a single plan, we advise that the assessment considers the significant volume of proposed development around industrial clusters for decarbonisation, including carbon capture and hydrogen production. There is potential that data centres will also be proposed in these areas. The Environment Agency has undertaken work to assess environmental capacity concerns related to cumulative development, which may be relevant to your assessment: <https://www.gov.uk/government/collections/environmental-capacity-for-industrial-clusters>. We consider that some of the potential impact pathways identified in that work are also applicable for data centres and therefore need to be considered cumulatively.”

1.5 Relevant Legislation, Policy, Case Law, and Guidance

Legislation, policies, case law and guidance relevant to this plan-level HRA of the draft NPS are provided in further detail in Appendix A, including references. A summary is outlined below:

Legislation

- Conservation of Habitats & Species Regulations 2017 (as amended);
- Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended); and
- The Environment Act (2021).

Policy

- National Planning Policy Framework (NPPF; 2026)

Case Law

- C-323/17 People Over Wind;
- C-164/17 Grace and Sweetman;
- C-293/17 and C-294/17 Dutch Nitrogen cases;
- C-461/17 Holohan v An Bord Pleanála; and
- EWHC 351 Wealden District Council v Secretary of State for Communities And Local Government & Ors 2017 (Admin).

Guidance

- Guidelines on the assessment of transboundary impacts of energy developments on Natura 2000 sites outside the UK (2015);
- Government guidance – Appropriate assessment: Guidance on the use of Habitats Regulations Assessment (2019);
- Assessment of plans and projects in relation to Natura 2000 sites (2022);
- Government guidance – Habitats regulations assessments: Protecting a European site (2023);
- Government guidance – Nationally Significant Infrastructure Projects: Advice on Habitats Regulations Assessments (2024); and
- The Habitats Regulations Assessments Handbook (2024), terminated on the 30th January 2026.



1.6 Statement of Authority

This report has been prepared by Lucy Murray. Lucy is an Associate Ecologist at SLR with over seven years' experience in ecological consultancy. She is experienced in completing HRAs at both the project and plan level. Lucy is a Full member of the Chartered Institute of Ecology and Environmental Management (CIEEM). Kate Watson BA (Hons) also supported in the preparation of Section 7.0 of this report, Stage 3: Derogations. Kate is a Consultant at SLR with over two years' experience completing plan level HRAs.

This report has been reviewed by Richard Arnold BSc (Hons) MRes MCIEEM CEnv. Richard is a Technical Director at SLR with over 28 years of experience in ecological consultancy, including HRAs as well as ecological surveys, licensing, mitigation and impact assessments.

This report has been approved by Vicky Pearson BSc (Hons) MSc PISEP (Project Manager) and Jo Mitchell BSc MSc (Project Director).



2.0 Methodology

2.1 General Approach

The methodology used in this report is based on and in accordance with the UK Government² guidance (Appendix A.4.1). The draft NPS is a plan, rather than a project, and the HRA shall follow the three stages outlined below. The stages may not all need completing, depending on decisions at each stage.

- **Stage 1: Screening** – the process that determines whether all Likely Significant Effects (LSEs) upon listed or proposed European and Ramsar sites of a project or plan, either alone or in combination with other projects or plans, can be objectively excluded (without considering mitigation) and therefore whether Stage 2 is required;
- **Stage 2: Appropriate Assessment (AA)** – the consideration of effects on the integrity of the listed or proposed European and Ramsar sites of the project or plan, either alone or in combination with other projects or plans, in respect of the listed or proposed European and Ramsar sites' structure and function and their Conservation Objectives (COs). Additionally, where adverse effects on site integrity cannot be excluded, an assessment of the potential mitigation of those effects is undertaken. The final assessment of the effect on integrity of the site(s) is undertaken including the effect of such mitigation;
- **Stage 3: Derogations** – taking into account the proposed mitigation, if adverse effects on site integrity cannot be excluded, the next stage is to decide if the project or plan can pass all three legal tests for a derogation to be granted:
 - **Test 1: Consider alternative solutions** – the process which examines alternative ways of achieving the objectives of the project or plan that might avoid or reduce the adverse effects on the integrity of the listed or proposed European and Ramsar sites;
 - **Test 2: Consider Imperative Reasons of Overriding Public Interest (IROPI)** – the assessment where no alternative solutions exist and where adverse effects on the integrity of the listed or proposed European and Ramsar sites remain, IROPI has been identified; and
 - **Test 3: Secure compensatory measures** – if it is deemed that the project or plan should be allowed to proceed, compensatory measures are identified, secured and their effectiveness ascertained.

2.2 Stage 1: Screening

Stage 1: Screening will first determine whether the draft NPS is directly connected with or necessary to the management of any listed or proposed European or Ramsar site and then whether, either alone or in combination with other projects or plans, it is likely to have a significant effect on any such site. As interpreted by the courts, 'likely' here means a risk or a possibility. Therefore, if the screening concludes that significant effects on any such site cannot be objectively excluded, an AA must be carried out.

The HRA will be undertaken at the plan level for the draft NPS for data centres. However, it will also recognise that the draft NPS will result in several projects, with potential to result in LSEs on listed and proposed European and Ramsar sites. In line with European Case Law (Appendix A.3.1), any measures intended to avoid or reduce the effects on listed or

² Organisations involved in producing this UK government guidance include the Department for Environment, Food & Rural Affairs, Natural England, Welsh Government, and Natural Resources Wales.



proposed European and Ramsar sites will not be considered during Stage 1: Screening. In line with the guidance document (Appendix A.4.3), this can be undertaken in four steps:

Step 1 – determining whether the plan or project is directly connected with or necessary to the management of a listed or proposed European and Ramsar site.

Step 2 – identifying the relevant elements of the plan or project and their likely impacts.

Step 3 – identifying which (if any) listed or proposed European and Ramsar sites may be affected, considering the potential effects of the plan or project alone or in combination with other plans or projects.

The outputs from Step 2 will facilitate Step 3 in identifying any listed or proposed European and Ramsar sites that may be affected. The Source-Pathway-Receptor model will be used to identify the sites for screening and consider impact pathways. Sites will be screened out where there is no pathway for impact, or a pathway is so weak that there is no possibility for significant effects, either alone or in combination, regardless of the distance and country in which the site is located.

The potential effects on listed and proposed European and Ramsar sites will be considered for the plan, alone and in combination with other plans and projects. The in combination assessment of the draft NPS will review the relevant plans and projects as a whole (i.e. the draft NPS will not be considered with one plan, then the other but rather all relevant plans alongside the draft NPS).

Step 4 – assessing whether LSEs on the listed or proposed European and Ramsar site can be ruled out, in view of the site's COs.

This step will assess the significance of these effects considering the COs of the listed and proposed European and Ramsar sites³. There are no COs for Ramsar sites, instead those for SACs and SPAs shall be considered. Where the European and Ramsar sites overlap and the qualifying features are the same, the COs for the relevant overlapping SPA or SAC will be considered. This will also occur where the overlapping Ramsar site does not share any of the qualifying features, but the site boundary overlaps with an SPA or SAC. In the absence of any proxy COs, it will be assumed that the objective is to ensure the habitat types or habitats of species significantly present on the site do not deteriorate below the current level (at the time of the assessment) and that the species are not significantly disturbed.

The COs may be supported by Supplementary Advice on the Conservation Objectives (SACOs), where available. These provide specific details on how the attribute targets can be met, which is most relevant for project level HRAs. As the HRA of the draft NPS is a strategic plan, the SACOs will not be considered in detail. If there is a possibility that the COs could be undermined, there will be LSEs. LSEs can only be excluded when there is no possibility for the COs to be undermined.

2.3 Stage 2: Appropriate Assessment

This stage will determine whether the plan or project, either alone or in combination with other plans or projects, will affect the integrity of the listed or proposed European and Ramsar sites, considering possible mitigation measures. In line with the guidance document (Appendix A.4.3), this can be undertaken in four steps:

- **Step 1** – Gather information on the plan and on the listed or proposed European and Ramsar sites concerned;

³ As Ramsar sites do not have COs, the COs for relevant European sites will be referred to. This is discussed in further detail in Section 0.



- **Step 2** – Assessing the implications of the plan in view of the site's COs;
- **Step 3** – Determining whether the plan can have adverse effects on the integrity of the site; and
- **Step 4** – Considering mitigation measures.

The first two Steps will build on the work undertaken for Stage 1: Screening, providing additional details for the AA. It will only consider those sites where LSEs could not be excluded. All other sites will have been screened out and will not be considered within the AA.

Step 3 will expand the work undertaken For Stage 1: Screening to assess whether the LSEs identified can have adverse effects on the integrity of the site – its COs, its key natural features, ecological structure and function as well as the main ecological processes and factors that sustain the long-term presence of the species and habitats within a site. This will follow the checklist to consider whether the plan or project has the potential to:

- hamper or cause delays in progress towards achieving the site's COs?
- reduce the area, or quality, of protected habitat types or habitats of protected species present on the site?
- reduce the population of the protected species significantly present on the site?
- result in disturbance that could affect the population size or density or the balance between species?
- cause the displacement of protected species significantly present on the site and thus reduce the distribution area of those species in the site?
- result in a fragmentation of Annex I habitats or habitats of species?
- result in a loss or reduction of key features, natural processes or resources that are essential for the maintenance or restoration of relevant habitats and species in the site (e. g. tree cover, tidal exposure, annual flooding, prey, food resources)?
- disrupt the factors that help maintain the favourable conditions of the site or that are needed to restore these to a favourable condition within the site?
- interfere with the balance, distribution and density of species that are the indicators of the favourable conditions of the site?

If the site's COs cannot be undermined by the draft NPS (alone and in combination with other plans and projects) then the site's integrity is not considered to be adversely affected (and vice versa).

Step 4 will consider any measures proposed by the draft NPS or the AoS to avoid or reduce the impacts identified in the AA to a level where they will no longer affect the integrity of any site. Each measure will be listed alongside the identified adverse effect(s) and explained as to how the measure will avoid or reduce the adverse effects on site integrity.

Any adverse effects on the integrity of listed and proposed European and Ramsar sites from the draft NPS for data centres will therefore be demonstrated to be excluded or not. The draft NPS may be approved by the competent authority after having ascertained that it will not adversely affect the integrity of the site(s).

2.4 Stage 3: Derogations

Where the AA cannot exclude adverse effects on the integrity of the site(s), considering mitigation measures, then Stage 3 must be undertaken. This is broken down into three legal tests which must be passed for a derogation to be granted.



Test 1: Consider alternative solutions

Different feasible options to implement the activities proposed within the draft NPS, with the aim of avoiding impacts on the relevant listed or proposed European and Ramsar sites will be considered. Each option will be examined for their effects on the site based on comparable scientific criteria.

Test 2: Consider Imperative Reasons of Overriding Public Interest (IROPI)

Where the alternative solutions cannot demonstrate reduced adverse effects on site integrity, IROPI must be assessed. This will include consideration of social and economic reasons which indicate that the plan must go ahead despite the potential adverse effects. This stage considers whether the plan or project is:

- **Imperative:** it's essential that it proceeds for public interest reasons;
- **Overriding:** the public interest outweighs the harm, or risk of harm, to the integrity of the any site that's predicted by the AA; and
- **In the public interest:** it has benefits for the public, not just benefits for private interests.

Test 3: Secure compensatory measures

Should no alternative solutions be feasible to take forward and there are IROPI, compensatory measures must then be identified. The compensatory measures must clearly demonstrate to the competent authority that the desired outcomes will be delivered. The development of compensatory measures will consider:

- how technically feasible and effective the measures will be - based on scientific evidence and previous examples;
- how financially viable the measures are - the proposer must have enough funds to cover costs;
- how the compensation would be carried out, including how it'll be managed and monitored over the time that's needed, and how it's been secured;
- distance from the affected site - compensation closer to the site is generally preferred, unless measures further away will benefit the network of European sites as a whole; and
- how long the compensatory measures will take to reach the required quality and amount of habitat.

In principle, compensatory measures must be in place and effective before the adverse effects occur. Once identified and secured, the plan can then be adopted. As detailed in Section 7.3, it is not possible for compensatory measures to be identified and secured for the NPS; however, it is understood that an NPS can still be adopted.



3.0 Stage 1: Screening

3.1 Step 1

Step 1 is determining whether the plan or project is directly connected with or necessary to the management of a listed or proposed European and Ramsar site.

The draft NPS for data centres is not directly connected with or necessary to the management of any listed or proposed European and Ramsar sites. Therefore, the subsequent Steps 2 to 4 must be undertaken.

3.2 Step 2

Step 2 is identifying the relevant elements of the plan or project and their likely impacts.

3.2.1 The draft NPS for Data Centres

3.2.1.1 Overview

The key aspects of the NPS for the HRA is the presumption in favour of granting development consent and the use of the NSIP process to determine data centre proposals which meet the threshold. The threshold has been defined as data centre developments designed to operate at least 100 MW of rated IT load capacity, which is defined as the maximum load of network, server, and storage equipment within a data centre's computer room floor that the data centre infrastructure can handle. This includes power distribution and environmental control, while maintaining the desired service availability. The use of the NSIP process will therefore make the Secretary of State the competent authority that decides to permit the works.

3.2.1.2 Objectives

The objectives of the draft NPS are to:

- *“Provide policy advice on the considerations of requests for data centres to be directed into the NSIP consenting process under section 35 of the Planning Act 2008;*
- *Set out the policy and planning framework for the determination of applications for development consent for data centres that proceed through the NSIP consenting process;*
- *Explain the need for data centres and how applications for development consent will assist in this requirement;*
- *Provide the criteria for the Secretary of State to make fair, robust, and transparent decisions on whether to approve applications for development consent for data centres;*
- *Inform applicants on what needs to be considered in making an application, including the impacts and assessments required, the criteria that will be considered, and how the planning balance will be applied;*
- *Provide policy and guidance support to LPAs in preparing local impact reports under Section 60 of the Planning Act 2008; and*
- *Ensure the development of data centres under the NSIP regime supports the government's policies, goals, and demand for data centre services.”*



3.2.1.3 Environmental and Ecological Protection

The draft NPS also outlines general principles of assessment, considering environmental, health, and safety and security.

These principles support the enhancement of biodiversity at the local level, alongside the consideration of any potential adverse impacts as a result of a data centre development with proposed mitigation measures. This will be done at a local, regional and national level and could support the functioning and protection of listed or proposed European and Ramsar sites within England and further afield.

The importance of engagement is identified with specific reference to its importance for the HRA process. Applicants are required to provide a detailed HRA to allow the Secretary of State to make an informed decision as to whether grant consent in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Offshore Marine Habitats and Species Regulations 2017. Assessment of alternatives would also be considered if the data centre proposal was required to progress to Stage 3 in the HRA process. Applicants should also include an Environmental Impact Assessment (EIA) report to *inter alia* assess the impacts of development on (a) population and human health; (b) biodiversity, with particular attention to species and habitats listed in the Habitats Directive and wild birds; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape; and (e) the interaction between these factors in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, as amended.

Environmental and Biodiversity Net Gain (BNG) are also identified for consideration by applicants in their proposals which should align with the Local Nature Recovery Strategy (LNRS) to support the delivery of BNG beyond the minimum 10%. Other environmental topics and issues are flagged with recommendations for good design which could support the functioning and protection of listed and proposed European and Ramsar sites.

3.2.2 Potential Impacts

Data centres are a relatively new development type, and as such, our understanding of the potential environmental impacts is still emerging. This section outlines our understanding of the potential activities and impacts that may lead to LSEs on listed and proposed European and Ramsar sites. This is based on current knowledge, which may evolve over time.

The following definitions will be used within this section:

- **Impacts** – a change to a qualifying feature or designated site resulting from human action or activity;
- **Effects** – the outcome for a qualifying feature or designated site arising from the impact; and
- **Impact pathways** – the link between the action or activity and the receptor receiving the impact.

The draft NPS includes a section on generic impacts which may arise because of data centre developments, focusing on the construction and operational impacts.

There are additional considerations and legislative requirements, referred to within the draft NPS, to take into account when a decision is made on whether to grant development consent. The draft NPS recommends early consultation with all relevant stakeholders and to discuss with the Planning Inspectorate what information is needed to comprise a successful application. This includes using up-to-date and accurate data and guidance wherever this is needed.



The generic impacts and the draft NPS document have been reviewed and potential impacts on listed and proposed European and Ramsar sites and their qualifying features have been identified. To begin with, project phases have been identified with their associated activities. The activities and potential impacts for each group are described below.

As the draft NPS does not explicitly prevent development within a listed or proposed European or Ramsar site, direct impacts cannot be excluded at this stage.

3.2.2.1 Site Investigation, Construction and Decommissioning

Site investigations, construction and decommissioning works arising from data centres progressed under the NPS are anticipated to involve the following activities:

- Site and vegetation clearance, earthworks or alteration of existing land uses for site set up, site compounds and storage areas;
- Vehicles, plant (heavy machinery and equipment) and personnel arriving and moving around a site location;
- Increased emissions from vehicles and plant;
- Site investigation, construction and decommissioning works increasing use of lighting, noise and vibration;
- Changes to water levels and management, including water abstraction and discharge; and
- Changes to coastal processes.

These activities have potential to give rise to the following impacts:

- Habitat loss or degradation, including habitat isolation and fragmentation or damage to ecological networks;
- Species mortality;
- Species disturbance;
- Increased noise and vibration pollution;
- Increased air or dust pollution, including odours, smoke and steam;
- Increased nighttime light pollution;
- Increased visual disturbance;
- Release of suspended solids or other water pollutants;
- Low water flows or levels in rivers, streams, lakes and wetlands due to water abstraction;
- Changes to coastal processes, such as increased coastal erosion or benthic scouring; and
- Introduction or spread of Invasive Non-Native Species (INNS) or diseases.

3.2.2.2 Operation and Maintenance

The following activities are likely to arise once new data centres are operational and maintained:

- New data centre buildings and associated structures, such as energy infrastructure;
- Ongoing operational and maintenance processes increasing noise and light pollution;



- Increased air pollutants or emissions, including greenhouse gas emissions from electricity generation and heat emissions from data centres;
- Increased electromagnetic field (EMF) radiation and temperature; and
- Changes to water levels and management, including water abstraction and discharge; and
- Changes to coastal processes.

These activities have potential to give rise to the following impacts:

- Species disturbance;
- Barriers to species movements;
- Impingement and entrainment of fish due to water abstraction;
- Increased noise pollution;
- Increased nighttime light pollution;
- Release of water pollutants;
- Increased air pollutant and emissions, including odours, smoke and steam;
- Increased EMF radiation and temperature;
- Low water flows in rivers, streams, lakes and wetlands due to water abstraction;
- Changes to coastal processes, such as increased coastal erosion or benthic scouring; and
- Climate change impacts due to increased greenhouse gas emissions, such as changes in rainfall patterns, increased risk of wildfires or extreme weather events, sea level rise.

Some of the impacts which occur during the construction phase will also continue to have an effect once the data centre is operational (e.g. habitat loss).

3.3 Step 3

Step 3 is identifying which (if any) listed or proposed European and Ramsar sites may be affected, considering the potential effects of the plan or project alone or in combination with other plans or projects.

The draft NPS acts as the primary decision-making policy document for the Secretary of State on data centres located within England, as per Section 35 of the Planning Act 2008. It is a strategic document, which does not identify specific locations for data centre development; therefore, the precautionary principle must be applied. Applications for data centres in Wales, Scotland and Northern Ireland will not be assessed by the Secretary of State, as planning is a devolved matter. The draft NPS may act as a useful reference for planning decisions within these countries. Therefore, this HRA will consider the impacts that may arise as a result of data centres in England. As of 19th November 2025, in England there is a total of 90 SPAs⁴, 256 SACs and 73 Ramsar sites⁵. There is one proposed Ramsar site mapped on MAGiC⁶; however, the extensions were classified / designated as a

⁴ This excludes the Outer Thames Estuary SPA, Greater Wash SPA, Northumberland Marine SPA and Liverpool Bay SPA.

⁵ Natural England (2025) Designated Sites View. Available at: <https://designatedsites.naturalengland.org.uk/WholeEnglandReports.aspx> [Accessed: 19/11/25].

⁶ <https://magic.defra.gov.uk/MagicMap.html> [Accessed: 19/11/25].



Ramsar site on the 16th January 2020⁷. There are two possible SACs (Bristol Channel Approaches / Dynesfeydd Mor Hafren (UK0030396) and Southern North Sea (UK0030395)) mapped on MAGiC; however, no information is available on these possible SACs, only information on the designated SACs. Therefore, the possible SACs are not considered to be designated as SACs. There are two potential SPAs (Isles of Scilly (UK9020288) and Solway Firth (UK9005012)) mapped on MAGiC; the Isles of Scilly extensions were classified / designated as SPAs on 17th November 2020⁸ and the Solway Firth extension was classified in December 2020⁹. Therefore, it is considered that there are no potential SPAs, possible SACs or proposed Ramsar sites in England.

There will also be potential impact pathways for effects to occur within listed and proposed European and Ramsar sites in Scotland and Wales, and their territorial waters; therefore, these sites will also be considered. Northern Ireland and Ireland listed and proposed European and Ramsar sites which are designated for marine and migratory species that occur in or migrate to England and its territorial waters will also be considered. However, the distances for impacts by air are unlikely due to weak pathways at this scale. Due to the substantial geographical scale at which impacts could be identified, individual listed or proposed European or Ramsar sites will not be individually identified. Instead, they will be categorised through their impact pathways, for example, sites with aquatic migratory species, sites with migratory birds, site with marine species or sites ecological networks (Table 3-1).

Table 3-1: Potential Impact Pathways to listed or proposed European and Ramsar sites in different countries

Potential Impact Pathways	Listed or proposed European and Ramsar sites located in			
	England and its territorial waters	Scotland and Wales, and their territorial waters	Northern Ireland and Ireland, and their territorial waters	Other countries and their territorial waters
Proximity (noise, light and visual disturbance)	✓	✓	x	x
By air	✓	✓	x	x
Surface water	✓	✓	x	x
Groundwater	✓	✓	x	x
Transitional waters	✓	✓	x	x
Coastal and marine waters	✓	✓	✓	✓

⁷ Department for Environment, Food & Rural Affairs (2020) Teesmouth and Cleveland Coast SPA, Ramsar Site and SSSI. Available at: <https://consult.defra.gov.uk/natural-england-marine/teesmouth-and-cleveland-coast-potential-sp/> [Accessed: 19/11/25].

⁸ Department for Environment, Food & Rural Affairs (2020) Amendment to Isles of Scilly Special Protection Area: comment on proposals. Available at: <https://consult.defra.gov.uk/natural-england-marine/isles-of-scilly-potential-special-protection-area/> [Accessed: 19/11/25].

⁹ North Western Inshore Fisheries and Conservation Authority (2020) Solway Firth SPA. Available at: <https://www.nw-ifca.gov.uk/app/uploads/Solway-Firth-SPA.pdf> [Accessed: 19/11/25].



Potential Impact Pathways	Listed or proposed European and Ramsar sites located in			
	England and its territorial waters	Scotland and Wales, and their territorial waters	Northern Ireland and Ireland, and their territorial waters	Other countries and their territorial waters
Ecological networks, including Functionally Linked Land (FLL) ¹⁰	✓	✓	✓	✓
Linked population	✓	✓	✓	✓
Mobile species	✓	✓	✓	✓
Migratory species	✓	✓	✓	✓

Potential impact pathways exist for several listed or proposed European and Ramsar sites which could lead to adverse effects on their qualifying features when considering the draft NPS alone. This includes:

- Reduced extent and distribution of qualifying habitats;
- Reduced structure and function (including typical species) of qualifying habitats;
- Reduced structure and function of the habitats of qualifying species;
- Processes which can no longer support the qualifying habitats or the habitats on which the qualifying species rely on;
- Population decline of qualifying species; and
- Reduced distribution of qualifying species.

As potential impact pathways exist there is potential for other plans and projects to further exacerbate these effects. The following plans and projects are considered for the in combination assessment and are treated as a whole (i.e. the draft NPS will not be considered with each individual plan and project, instead it is considered collectively with all relevant plans and projects listed below):

- Those listed in Appendix A.1;
- Overarching NPS for energy (EN-1);
- NPS for natural gas electricity generating infrastructure (EN-2);
- NPS for renewable energy infrastructure (EN-3);
- NPS for natural gas supply infrastructure and gas and oil pipelines (EN-4);
- NPS for electricity networks infrastructure (EN-5);
- NPS for nuclear power generation (EN-6);
- NPS for nuclear energy generation (EN-7);
- NPS for ports;
- National Networks NPS (NNNPS);
- Airport NPS;

¹⁰ areas of land or sea which do not fall within the site boundary but are critical for the ecological or behavioural features of the designated site



- NPS for Hazardous Waste;
- NPS for Waste Water;
- NPS for Water Resources Infrastructure;
- Geological Disposal Infrastructure NPS;
- Local Development Plans;
- Local Transport Plans;
- Local Minerals Plans;
- Local Waste Plans;
- Water Resource Management Plans;
- River Basin Management Plans;
- Shoreline Management Plans;
- Marine Plans;
- NSIPs; and
- NDMP's (National Development Management Policies).

Commercial and other residential developments are not considered for in combination effects as the potential impact pathways and effects will be captured within the plans listed above. These plans and projects have potential to lead to all of the impacts listed in Sections 3.2.2.1 and 3.2.2.2 via potential impact pathways highlighted in Table 3-1. Therefore, there is potential for cumulative adverse effects when considering the NPS in combination.

3.4 Step 4

Step 4 is assessing whether LSEs on the listed or proposed European and Ramsar site(s) can be ruled out, in view of the site's COs.

LSEs will arise if there is potential for the draft NPS to undermine the COs of the listed or proposed European or Ramsar site(s). There are no COs for Ramsar sites, instead those for SACs and SPAs shall be considered. For SACs, the COs are to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the Favourable Conservation Status of its qualifying features, by maintaining or restoring:

- the extent and distribution of qualifying natural habitats and habitats of the qualifying species;
- the structure and function (including typical species) of qualifying natural habitats;
- the structure and function of the habitats of the qualifying species;
- the supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;
- the populations of each of the qualifying species; and
- the distribution of qualifying species within the site.

For SPAs, the COs are to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

- the extent and distribution of the habitats of the qualifying features;



- the structure and function of the habitats of the qualifying features;
- the supporting processes on which the habitats of the qualifying features rely;
- the populations of each of the qualifying features; and
- the distribution of qualifying features within the site.

Table 3-2 summarises the activities associated with new data centres proposed by the draft NPS, potential impacts, pathways and effects, and conservation objectives. In light of the COs, LSEs cannot be objectively excluded due to the draft NPS alone or in combination.

The draft NPS includes the requirement for an HRA to be undertaken at the project level for data centre proposals. However, this does not preclude the potential for Stage 3: Derogations to be undertaken, which could allow consent to be granted for data centre proposals which have an adverse effect on relevant European or Ramsar sites. The draft NPS can lead to a number of impacts with potential impact pathways to listed and proposed European and Ramsar sites within England, Scotland, Northern Ireland, Ireland and other countries and their territorial waters. Therefore, this HRA of the draft NPS must progress to Stage 2: AA.



Table 3-2: Activities, Impacts, Impact Pathways and Effects that could arise from the draft NPS for data centres. Conservation Objectives are also included.

Data Centre Activities	Potential Impacts	Potential Impact Pathways ¹¹	Potential Adverse Effects	Conservation Objectives (for sites in England) ¹²
Site Investigation, Construction and Decommissioning				
Site and vegetation clearance, earthworks or alteration of existing land uses for site set up, site compounds and storage areas	- Habitat loss or degradation, including habitat isolation and fragmentation or damage to ecological networks - Species mortality - Species disturbance - Increased noise and vibration pollution - Increased air or dust pollution, including odours, smoke and steam - Increased nighttime light pollution - Increased visual disturbance - Release of suspended solids or other water pollutants - Low water flows in rivers, streams, lakes and wetlands due to water abstraction - Changes to coastal processes, such as increased coastal erosion or benthic scouring - Introduction or spread of INNS or diseases	- Direct impacts - Proximity (noise, light and visual disturbance) - By air - Surface water - Groundwater - Transitional waters - Coastal and marine waters - Ecological networks, including FLL - Linked populations - Mobile species - Migratory species	- Reduced extent and distribution of qualifying habitats - Reduced structure and function (including typical species) of qualifying habitats - Reduced structure and function of the habitats of qualifying species - Processes which can no longer support the qualifying habitats or the habitats on which the qualifying species rely on - Population decline of qualifying species - Reduced distribution of qualifying species	To maintain or restore: - the extent and distribution of qualifying natural habitats and habitats of the qualifying species; - the structure and function (including typical species) of qualifying natural habitats; - the structure and function of the habitats of the qualifying species; - the supporting processes on which qualifying natural habitats and the habitats of qualifying species rely; - the populations of each of the qualifying species; and - the distribution of qualifying species within the site.
Vehicles, plant (heavy machinery and equipment) and personnel arriving and moving around a site location				
Increased emissions from vehicles and plant				
Site investigation, construction and decommissioning works increasing use of lighting, noise and vibration				
Changes to water levels and management, including water abstraction and discharge				
Changes to coastal processes				
Operation and Maintenance				
New data centre buildings and associated structures, such as energy infrastructure	- Species disturbance - Barriers to species movements - Impingement and entrainment of fish due to water abstraction - Increased noise pollution - Increased nighttime light pollution - Release of water pollutants - Increased air pollutant and emissions, including odours, smoke and steam - Increased EMF radiation and temperature - Low water flows in rivers, streams, lakes and wetlands due to water abstraction - Changes to coastal processes, such as increased coastal erosion or benthic scouring - Climate change impacts due to increased greenhouse gas emissions, such as changes in rainfall patterns, increased risk of wildfires or extreme weather events, sea level rise	- Proximity (noise, light and visual disturbance) - By air - Surface water - Groundwater - Transitional waters - Coastal and marine waters - Ecological networks, including FLL - Linked populations - Mobile species - Migratory species	- Reduced extent and distribution of qualifying habitats - Reduced structure and function (including typical species) of qualifying habitats - Reduced structure and function of the habitats of qualifying species - Processes which can no longer support the qualifying habitats or the habitats on which the qualifying species rely on - Population decline of qualifying species - Reduced distribution of qualifying species	To maintain or restore: - the extent and distribution of qualifying natural habitats and habitats of the qualifying species; - the structure and function (including typical species) of qualifying natural habitats; - the structure and function of the habitats of the qualifying species; - the supporting processes on which qualifying natural habitats and the habitats of qualifying species rely; - the populations of each of the qualifying species; and - the distribution of qualifying species within the site.
Ongoing operational and maintenance processes increasing noise and light pollution				
Increased air pollutants or emissions, including greenhouse gas emissions from electricity generation and heat emissions from data centres				
Increased EMF radiation and temperature				
Changes to water levels and management, including water abstraction and discharge				
Changes to coastal processes				

¹¹ Table 3-1 outlines the potential impact pathways to listed and proposed European and Ramsar sites in different countries

¹² COs for other countries have similar scope and intent as to those listed for England



4.0 Stage 2: Appropriate Assessment

It was not possible for the Stage 1: Screening to objectively exclude LSEs as a result of the draft NPS for data centres, alone or in combination. Therefore, an AA must be undertaken as detailed in the sections below.

4.1 Step 1

Step 1 is gathering information on the plan and on the listed or proposed European and Ramsar sites concerned.

As outlined above, the draft NPS is a strategic level site-agnostic document and does not specify locations where data centres will be located. The draft NPS sets out the reasons that some data centres should be NSIPs, considerations for development, expectations for developers and operators of data centres and criteria for determining the outcome of applications.

The draft NPS applies to all locations within England; however, as outlined in Table 3-1, there are potential impact pathways for listed or proposed European and Ramsar sites to be affected within England and:

- In English territorial waters – data centres may be located at coastal locations or be associated with infrastructure which extend into the territorial waters;
- In Scotland and Wales, and their territorial waters – data centres may be located close to the borders with Scotland and Wales, including at coastal locations or be associated with infrastructure which extend into their territorial waters;
- In Northern Ireland and Ireland, and their territorial waters – data centres may be located in areas where ecological connectivity exists through coastal / marine hydrological connectivity, linked populations or through mobile or migratory species; and
- Other countries and their territorial waters – data centres may be located in areas where ecological connectivity exists through coastal / marine hydrological connectivity, linked populations or through mobile or migratory species.

4.2 Step 2

Step 2 is assessing the implications of the plan in view of the site's COs.

Stage 1: Screening identified that proposals for data centres could lead to the following adverse effects, which are linked to the site's COs:

- Reduced extent and distribution of qualifying habitats;
- Reduced structure and function (including typical species) of qualifying habitats;
- Reduced structure and function of the habitats of qualifying species;
- Processes which can no longer support the qualifying habitats or the habitats on which the qualifying species rely on
- Population decline of qualifying species; and
- Reduced distribution of qualifying species.

It is not possible to objectively exclude any of these effects when considering the draft NPS alone and in combination with the plans and projects.



4.3 Step 3

Step 3 is determining whether the plan can have adverse effects on the integrity of the site.

The following checklist in Table 4-1 outlines the potential for the draft NPS to have adverse effects on a site's integrity. This will be completed at a strategic level for all potentially affected listed or proposed European and Ramsar sites, as outlined above, due to the lack of geographical specificity within the draft NPS, a number of impact pathways exist to different sites.

Table 4-1: Checklist to determine if the LSEs can have adverse effects on site integrity

Does the draft NPS for data centres have potential to:	Answer
hamper or cause delays in progress towards achieving the site's COs?	Yes The draft NPS and data centre proposals may directly or indirectly lead to the loss or degradation (reduced structure or function) of qualifying habitats and habitats that support qualifying species. The processes which support the qualifying habitats could also no longer be supported as a result. In turn, this may lead to the decline or reduced distributions of qualifying species; therefore, preventing the site from progressing towards achieving its COs.
reduce the area, or quality, of protected habitat types or habitats of protected species present on the site?	Yes As outlined above, the draft NPS does not specify data centre proposals to be located outside of listed or European and Ramsar sites and could therefore result in direct habitat loss or indirect habitat loss due to water, land or air pollutants or changes to processes affecting sensitive species.
reduce the population of the protected species significantly present on the site?	Yes As outlined above, negative impacts on habitats (qualifying habitats or habitats which qualifying species rely on) could lead to population declines of species as they are not able to rest, breed, forage or commute within these areas; therefore, hindering their natural life cycles and processes. There is also potential for direct species mortality during construction and indirect species disturbance to reduce species populations on listed or proposed European and Ramsar sites.
result in disturbance that could affect the population size or density or the balance between species?	Yes The draft NPS will lead to the construction of data centres which have potential to increase visual disturbance due to vehicles, plant, and personnel moving around the site, levels of light, noise and vibration as well as emissions from construction activities. Similar disturbances would also be anticipated during the demolition of data centres. Once operational, noise, light and visual disturbance may also arise from the data centres. These activities and impacts have potential to increase disturbance to nearby sensitive species and affect the population size or density or the balance between species.
cause the displacement of protected species significantly present on the site	Yes



Does the draft NPS for data centres have potential to:	Answer
and thus reduce the distribution area of those species in the site?	The draft NPS does not specify that data centre proposals to be located outside of listed or European and Ramsar sites and could therefore result in direct displacement of protected species and therefore, reduce the distribution area of those species in the site. There is also potential for negative impacts on habitats, as outlined above, to lead to species displacement and reduces species distributions.
result in a fragmentation of Annex I habitats or habitats of species?	Yes The draft NPS is site-agnostic and therefore, data centre proposals could be located at several locations across England, leading to the fragmentation of Annex I habitats or habitats of species (directly or indirectly, as outlined above).
result in a loss or reduction of key features, natural processes or resources that are essential for the maintenance or restoration of relevant habitats and species in the site (e. g. tree cover, tidal exposure, annual flooding, prey, food resources)?	Yes The draft NPS and data centre proposals may lead to the loss or reduction of key features, natural processes or resources as a result of the impacts listed in Table 3-2. For example, alterations to water cycles due to abstraction and discharge from data centre proposals has potential to alter hydrological processes across whole catchments, in particular, if data centres are clustered in particular locations within the same catchment. These water cycles are essential for maintaining and restoring habitats and species of listed or proposed European and Ramsar sites.
disrupt the factors that help maintain the favourable conditions of the site or that are needed to restore these to a favourable condition within the site?	Yes As outlined above for water cycles, many habitats and species are reliant on specific water levels within the site to maintain the favourable conditions for habitat longevity and species survival. This is also applicable for water, air and land quality with site and species sensitivities to be considered for individual sites.
interfere with the balance, distribution and density of species that are the indicators of the favourable conditions of the site?	Yes As outlined within this table, the draft NPS for data centres may interfere with the balance, distribution and density of species which indicate favourable conditions of the site.

Table 4-1 demonstrates that adverse effects on the integrity of listed or proposed European and Ramsar sites arising from the draft NPS for data centres cannot be excluded without mitigation. Therefore, mitigation measures must be considered.

4.4 Step 4

Step 4 is the consideration of mitigation measures.

Section 3.2.1.3 outlines that the draft NPS includes text to support environmental and ecological protection, which could avoid or reduce the impacts and effects identified on listed or proposed European and Ramsar sites. Existing mitigation measures within the NPS are outlined in Table 4-2 with an explanation to determine whether the associated adverse effect(s) can be objectively excluded or not and then further mitigation measures are



proposed in the final column. This table refers to paragraph numbers within the NPS¹³ and commences at paragraph 111; other numbers are not relevant to the HRA and mitigation and are therefore not discussed in the table. In general, the draft NPS could be strengthened across all sections with the use of 'must' instead of 'should' to avoid uncertainty in its recommendations. Mitigation measures are also proposed within the AoS report¹⁴.

When considering the existing mitigation measures and proposed mitigation measures, it is possible to objectively exclude adverse effects on site integrity for the draft NPS alone, if the key mitigation measure is adopted. The key mitigation measure is that data centre proposals will not be permitted if adverse effects on site integrity cannot be objectively excluded i.e. HRAs for data centre proposals will not progress through to Stage 3: Derogations. The location of data centre proposals is a key consideration for potential LSEs or adverse effects on site integrity; therefore, reference to this and early consideration has also been included. Therefore, the following wording is suggested for P. 126, or other relevant section within the draft NPS:

Data centres which cannot objectively exclude adverse effects on site integrity taking into account mitigation will not be permitted. The presumption in favour of sustainable development does not apply where the proposal is likely to have a significant effect on a European or Ramsar site (either alone or in combination with other plans or projects), unless an AA has concluded that the proposal will not adversely affect the integrity of the site(s).

The early consideration of alternative locations for data centre proposals is a key aspect of the Habitats Regulations and EIA Regulations as location will play a key role in determining whether the proposal will lead to likely significant effects or adverse effects on site integrity.

When considering the draft NPS in combination, the listed plans and projects also include mitigation measures to address the impacts identified within this report, as well as additional impacts on listed and proposed European and Ramsar sites. Therefore, further supporting the sites' COs, enabling adverse effects to be excluded for the draft NPS in combination if the key mitigation measure is adopted.

The existing and proposed mitigation measures in Table 4-2 reduce the risk of adverse effects on site integrity but do not enable such effects to be excluded.

¹³ Draft version of the NPS (Version 2)

¹⁴ SLR (2025) National Policy Statement for Data Centres Appraisal of Sustainability Report.



Table 4-2: Consideration of mitigation measures within and proposed for the draft NPS for data centres

Mitigation Measures within the draft NPS	Adverse effects	Can adverse effects on site integrity be excluded? ¹⁵	Proposed Mitigation Measure
P. 111 – highlights the importance of engagement when developing a HRA, with the onus on the applicant to submit sufficient information for the relevant Secretary of State to undertake this assessment.	- Reduced extent and distribution of qualifying habitats - Reduced structure and function (including typical species) of qualifying habitats - Reduced structure and function of the habitats of qualifying species - Processes which can no longer support the qualifying habitats or the habitats on which the qualifying species rely on - Population decline of qualifying species - Reduced distribution of qualifying species	Yes Early engagement with appropriate nature conservation bodies will ensure that all potential effects have been considered and in sufficient detail.	P. 111 rewording: Engagement is also critical regarding the process of developing the HRA, where the onus is on the applicant to submit sufficient information to enable the relevant Secretary of State to conduct an (Appropriate Assessment) if required ¹⁶ .
P. 114-120 – outlines the requirements for an EIA with assessment of the impacts of development on human beings, fauna and flora, soil, water, air, climate, the landscape, material assets, and cultural heritage. Reference to Artificial Intelligence (AI) Growth Zones and clusters, which may have potential exemptions from EIA.		Yes – with proposed mitigation measures. The EIA will not undermine the COs of listed or proposed European and Ramsar sites.	P. 120 additional wording to clarify that a HRA would still be required and link to the subsequent section on HRA.
P. 121-125 – outlines the requirements for a detailed HRA.		No unless the key mitigation measure is adopted as it would allow projects to progress to Stage 3: Derogations. The HRA undertaken at the site level will ensure that effects on listed and proposed European and Ramsar sites are either avoided, mitigated, or compensated for, in that order of priority.	P. 121-126 rewording: Applicants must provide a detailed HRA to allow the relevant Secretary of State to decide if an Appropriate Assessment (AA) is required and, if it is, undertake an AA prior to granting development consent. This requirement is part of the Secretary of State's duties under the Habitats Regulations. The applicant must include information as reasonably required for the purpose set out in paragraph 122. This information will include consideration of listed or proposed European sites as well as listed or proposed Ramsar sites and areas secured as sites compensating for damage to a European or Ramsar site. The HRA must follow the three stages of the HRA process. Applicants may not need to complete all the stages; this will depend on what decisions are reached at each stage. The stages include: - Stage 1: Screening; - Stage 2: Appropriate Assessment (AA); and - Stage 3: Derogations, comprising: - The consideration of alternative solutions; - Consideration of Imperative Reasons of Overriding Public Interest (IROPI); and - Securing compensatory measures. The order of the stages is also the order of priority; applicants must aim to avoid adverse effects on the integrity of listed or proposed European and Ramsar sites. The HRA which accompanies this draft NPS (<i>cross reference link to be added</i>), must be considered in the applicant's HRA.
P. 126/127 – outlines the requirements for BNG as well as delivery of natural capital, ecosystem services and other environmental benefits. Applicants are also encouraged to go beyond a minimum of 10% BNG.		Yes – with proposed mitigation measures. No BNG supports the protection of existing habitats and promotes their enhancement and habitat creation, though it is not necessarily consistent with the COs. For example, woodland creation may increase predators and reduce ground nesting birds, a qualifying species. Alongside this the wider environmental benefits delivered as part of the proposals will not undermine the	N/A
P.128-133 – highlight the co-benefits of delivering BNG proposals which also deliver benefits for water resources and water quality as well as maximising the efficiency of energy and water intensive functions. This is further supported by reference to the relevant LNRS, which aims to			P. 130 rewording: Additional development and consideration of sites by applicants can bring greater benefits of data centres. Choosing site locations near renewable energy sources, implementing carbon offsetting programs, and integrating buildings alongside natural habitats are all examples of ways in which applicants can ensure they achieve at least 10% BNG.

¹⁵ Only considering existing migration measures, outlined in the first column

¹⁶ <https://www.gov.uk/guidance/nationally-significant-infrastructure-projects-advice-on-habitats-regulations-assessments#the-report-on-the-implications-for-european-sites-ries>



Mitigation Measures within the draft NPS	Adverse effects	Can adverse effects on site integrity be excluded? ¹⁵	Proposed Mitigation Measure
direct habitat creation and enhancement towards similar principles.		COs of listed or proposed European and Ramsar sites.	
P. 136-140 – highlights the importance of visual appearance and sustainability, with the functionality to deliver data processing and storage.	As listed above, due to visual disturbance and changes to water resources.	Yes The consideration of visual impacts and minimising the use of water and energy resources will reduce levels of disturbance to species movements or migrations and reduce pressures on water availability, particularly relevant for habitats and species which are sensitive to water level change.	N/A
P. 144 – highlights the need for mitigation of negative impacts such as visual or noise pollution.	As listed above, due to visual disturbance and noise pollution.	Yes The consideration of visual impacts and noise pollution will reduce levels of disturbance to species movements or migrations.	N/A
P. 152-159 – highlights the need for measures to limit the impact of development on climate change, with reference to water and energy usage. The consideration for action must be for the full lifetime of the data centre and construction phase is also referred to.	As listed above, due to changes in water resources and increased emissions.	Yes The consideration of climate change will not undermine the COs of listed or proposed European and Ramsar sites.	This section could be strengthened to include reference to the decommissioning stages of data centres, in addition to the construction phase and full lifetime of a development.
P. 167-175 – highlights the need to obtain relevant permissions for discharges or emissions from a proposed development which may impact air, water, and land quality or the marine environment. Potential releases must be adequately regulated, and the cumulative effects of pollution would not further exacerbate unacceptable pollutant levels.	As listed above for water (surface water, groundwater, transitional waters, coastal and marine waters), land and air pollutants.	Yes – with proposed mitigation measures. The regulation of pollutants will not undermine the COs of listed or proposed European and Ramsar sites.	This section could be strengthened to include reference to avoiding or mitigating impacts associated with exceeding critical loads or levels on qualifying habitats of listed or proposed European and Ramsar sites in line with the COs for these sites.
P. 192 – highlights the impacts on people's health such as traffic congestion, noise pollution, vibration in the local area, air quality, carbon emissions and light pollution.	As listed above for pollutants and disturbance.	Yes The consideration of these impacts on human health will not undermine the COs of listed or proposed European and Ramsar sites.	N/A
Generic impacts section of the draft NPS for data centres			
P. 202-210 – Air Quality and Emissions	As listed above for air quality and emissions.	Yes – with proposed mitigation measures. The consideration of air quality and emissions will not undermine the COs of listed or proposed European and Ramsar sites.	Include reference to the decommissioning phase. Include reference to data centre proposals which may be located within or nearby to industrial clusters for decarbonisation and cumulative effects must be considered. P. 208 – include reference to sensitive habitats or designated sites for nature conservation (e.g. European and Ramsar sites covered by the Habitats Regulations, Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs), Local Nature Reserves (LNRs), Local Wildlife Sites (LWSs) and areas of ancient woodland ¹⁷ .
P. 211-237 – Biodiversity	All adverse effects.	Yes – with proposed mitigation measures. The consideration of biodiversity impacts will not undermine the COs of listed or proposed European and Ramsar sites.	Include reference to consideration of a biosecurity plan for all phases of the development to prevent the introduction or spread of Invasive Non-Native Species or diseases. Include wording that data centre proposals and associated infrastructure will not be located within a listed or proposed European or Ramsar site. P. 214 - The Habitats Regulations set out sites for which a Habitats Regulations Assessment is required (<i>cross reference section above</i>).

¹⁷ <https://www.iaqm.co.uk/text/guidance/air-quality-impacts-on-nature-sites-2020.pdf>



Mitigation Measures within the draft NPS	Adverse effects	Can adverse effects on site integrity be excluded? ¹⁵	Proposed Mitigation Measure
			P. 220 – include reference to different impact pathways or ecological connectivity. P. 221-224 rewording: 221. There are several ways in which applicants can demonstrate mitigation strategies to avoid or minimise negative impacts. These could include: • Sensitive siting of the development and access; • Minimising the area of construction for the development; • Consideration of programming construction works to reduce disturbance on sensitive species; • Following best practice for construction to limit the impact on designated sites and features; and • Maintaining and enhancing local habitats in site design and ensuring maximal benefit is achieved through the creation of any new habitats. 222. Applicants should consult with the Appropriate Nature Conservation Body (ANCB) and provide the Secretary of State with sufficient information to determine whether a HRA is required alongside their application. To assist in the development of a HRA, applicants can agree on an 'Evidence Plan' with their ANCB to streamline the HRA process and ensure the relevant information is included. 223. If the ANCB indicates that there are adverse impacts resulting from the applicant's proposal, it is the applicant's responsibility to undertake Stage 2: AA and consider any relevant mitigation measures to avoid adverse effects on site integrity.
P. 238-261 – Flood Risk	As listed above for changes to water levels and management (surface water, groundwater, transitional waters, coastal and marine waters).	Yes The consideration of flood risk will not undermine the COs of listed or proposed European and Ramsar sites.	N/A
P. 262-269 – Dust, Odour, Artificial Light, Smoke, and Steam	As listed above for air quality, emissions and temperature.	Yes – with proposed mitigation measures. The consideration of these emissions will not undermine the COs of listed or proposed European and Ramsar sites.	Consider streamlining with Air Quality and Emissions section to maintain reference to impacts on European and Ramsar sites. Include reference to ensure that no detectable EMF radiation is detectable within the wetted area of an inland waterbody as a result from underground cables associated with data centre proposals.
P. 270-281 – Visual Pollution	As listed above for visual disturbance.	Yes – with proposed mitigation measures. The consideration of visual impacts will not undermine the COs of listed or proposed European and Ramsar sites.	Include reference sensitive siting of data centre proposals away from migration, foraging, commuting routes and access to breeding habitats for mobile species Sensitive timing of works to avoid or minimising disturbing species in key stages of their life cycles
P. 282-311 – Land Use and Green Belt Space	As listed above for habitat loss or degradation.	Yes The consideration of existing land use, avoiding and improving where possible air, water and land quality will not undermine the COs of listed or proposed European and Ramsar sites.	N/A
P. 312-322 – Noise Pollution	As listed above for noise pollution.	Yes – with proposed mitigation measures. The consideration of noise will reduce levels of disturbance to species movements or migrations. This will not undermine the COs of listed or proposed European and Ramsar sites.	Include reference to designated sites for nature conservation as an example of sensitive areas.
P. 323-332 – Socio-Economic Impacts	As listed above for species disturbance.	Yes – with proposed mitigation measures. The consideration of socio-economic opportunities alongside data centre proposals will support reduced levels of species disturbance. This will not undermine	Include reference to socio-economic proposals which must avoid or mitigate for impacts on listed or proposed European and Ramsar sites that may differ to impacts generally associated with data centre proposals, e.g. recreational disturbance.



Mitigation Measures within the draft NPS	Adverse effects	Can adverse effects on site integrity be excluded? ¹⁵	Proposed Mitigation Measure
		the COs of listed or proposed European and Ramsar sites.	
P. 333-347 – Traffic Pollution	As listed above for air quality, emissions and species disturbance.	Yes – with proposed mitigation measures. The consideration of traffic pollution and associated disturbance will not undermine the COs of listed or proposed European and Ramsar sites.	Include reference to planning traffic routes to be over 200m from sensitive listed or proposed European and Ramsar sites.
P. 348-359 – Water Resources	As listed above for water resources (surface water, groundwater, transitional waters, coastal and marine waters) and quality.	Yes – with proposed mitigation measures. The consideration of water resources and quality will not undermine the COs of listed or proposed European and Ramsar sites.	P. 351 – include reference to the HRA as well as the EIA. Include reference to measures to prevent fish impingement or entrainment for water abstraction activities in particular. Include reference to consideration of water temperature as well as water resources and water quality.



5.0 Conclusion

Mitigation is currently provided for within the draft NPS. Additional mitigation measures are outlined in Section 4.4, which are further supported by mitigation measures in relevant plans and projects.

Incorporation of all the additional mitigation measures would allow for adverse effects on site integrity to be reduced. However, only adopting the key mitigation measure, to not permit data centre proposals which have adverse effects on site integrity, will allow for adverse effects on site integrity to be objectively excluded and the subsequent HRA Stage 3: Derogations to not be required.

6.0 Revision to the draft NPS

The findings of the HRA Stage 1 and 2 were shared alongside the AoS report with BIST in December 2025 and revisions have been made to the draft NPS. Most of the proposed mitigation measures were agreed to and revised in the latest version of the draft NPS as outlined in Table 6-1. This strengthens the draft NPS; however, the key mitigation measure was not accepted, this is because the policy position that data centres are a critical national priority for development would contradict with the suggested wording and this would maintain consistency with other NPSs, including EN-1. The NPS maintains the potential for data centre proposals to be located within European or Ramsar sites and does not allow for other adverse effects to be excluded. Consequently, HRA Stage 3: Derogations must be undertaken for the draft NPS.

Table 6-1: BIST Response to Proposed Mitigation Measures

Proposed Mitigation Measure	BIST Response
P. 110 rewording: Engagement is also critical regarding the process of developing the HRA, where the onus is on the applicant to submit sufficient information to enable the relevant Secretary of State to conduct an (Appropriate Assessment) if required.	Accepted
P. 120 additional wording to clarify that a HRA would still be required and link to the subsequent section on HRA.	Accepted
P. 121-126 rewording: Applicants must provide a detailed HRA to allow the relevant Secretary of State to decide if an Appropriate Assessment (AA) is required and, if it is, undertake an AA prior to granting development consent. This requirement is part of the Secretary of State's duties under the Habitats Regulations. The applicant must include information as reasonably required for the purpose set out in paragraph 122. This information will include consideration of listed or proposed European sites as well as listed or proposed Ramsar sites and areas secured as sites compensating for damage to a European or Ramsar site. The HRA must follow the three stages of the HRA process. Applicants may not need to complete all the stages; this will depend on what decisions are reached at each stage. The stages include: Stage 1: Screening; Stage 2: Appropriate Assessment (AA); and Stage 3: Derogations, comprising:	Accepted. As previously discussed, we will be keeping IROPI and stage 3 of the HRA process.



Proposed Mitigation Measure	BIST Response
The consideration of alternative solutions; Consideration of Imperative Reasons of Overriding Public Interest (IROPI); and Securing compensatory measures. The order of the stages is also the order of priority; applicants must aim to avoid adverse effects on the integrity of listed or proposed European and Ramsar sites. The HRA which accompanies this draft NPS (<i>cross reference link to be added</i>), must be considered in the applicant's HRA.	
P. 130 rewording: Additional development and consideration of sites by applicants can bring greater benefits of data centres. Choosing site locations near renewable energy sources, implementing carbon offsetting programs, and integrating buildings alongside natural habitats are all examples of ways in which applicants can ensure they achieve at least 10% BNG.	Accepted
This section could be strengthened to include reference to the decommissioning stages of data centres, in addition to the construction phase and full lifetime of a development.	Agree
This section could be strengthened to include reference to avoiding or mitigating impacts associated with exceeding critical loads or levels on qualifying habitats of listed or proposed European and Ramsar sites.	Agree
Include reference to the decommissioning phase. Include reference to data centre proposals which may be located within or nearby to industrial clusters for decarbonisation and cumulative effects must be considered. P. 208 – include reference to sensitive habitats or designated sites for nature conservation (e.g. European and Ramsar sites covered by the Habitats Regulations, Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs), Local Nature Reserves (LNRs), Local Wildlife Sites (LWSs) and areas of ancient woodland.	Agreed
Include reference to consideration of a biosecurity plan for all phases of the development to prevent the introduction or spread of Invasive Non-Native Species or diseases. Include wording that data centre proposals and associated infrastructure will not be located within a listed or proposed European or Ramsar site. P. 214 - The Habitats Regulations set out sites for which a Habitats Regulations Assessment is required (<i>cross reference section above</i>). P. 220 – include reference to different impact pathways or ecological connectivity. P. 221-224 rewording: 221. There are several ways in which applicants can demonstrate mitigation strategies to avoid or minimise negative impacts. These could include: Sensitive siting of the development and access; Minimising the area of construction for the development; Consideration of programming construction works to reduce disturbance on sensitive species;	Agreed (minus the point on sites located within listed or proposed European or Ramsar sites)



Proposed Mitigation Measure	BIST Response
Following best practice for construction to limit the impact on designated sites and features; and Maintaining and enhancing local habitats in site design and ensuring maximal benefit is achieved through the creation of any new habitats. 222. Applicants should consult with the Appropriate Nature Conservation Body (ANCB) and provide the Secretary of State with sufficient information to determine whether a HRA is required alongside their application. To assist in the development of a HRA, applicants can agree on an 'Evidence Plan' with their ANCB to streamline the HRA process and ensure the relevant information is included. 223. If the ANCB indicates that there are adverse impacts resulting from the applicant's proposal, it is the applicant's responsibility to undertake Stage 2: AA and consider any relevant mitigation measures to avoid adverse effects on site integrity.	
Consider streamlining with Air Quality and Emissions section to maintain reference to impacts on European and Ramsar sites. Include reference to ensure that no detectable EMF radiation is detectable within the wetted area of an inland waterbody as a result from underground cables associated with data centre proposals.	Agreed
Include reference sensitive siting of data centre proposals away from migration, foraging, commuting routes and access to breeding habitats for mobile species Sensitive timing of works to avoid or minimising disturbing species in key stages of their life cycles	Agreed
Include reference to designated sites for nature conservation as an example of sensitive areas.	Agreed
Include reference to avoiding or mitigating impacts on listed or proposed European and Ramsar sites that may differ to impacts generally associated with data centre proposals, e.g. recreational disturbance.	Agreed
Include reference to planning traffic routes to be over 200m from sensitive listed or proposed European and Ramsar sites.	Agreed
P. 351 – include reference to the HRA as well as the EIA Include reference to measures to prevent fish impingement or entrainment for water abstraction activities in particular. Include reference to consideration of water temperature as well as water resources and water quality.	Agreed

Further revisions to the draft NPS were undertaken in March and October 2026 and largely comprise formatting edits and rewording. The edits to the draft NPS undertaken in October 2026 also included updates to:

- The Climate Change Section to allow for Behind-the-Meter (BtM) generation where electricity network connections are constrained. The government is preparing a new framework to establish the conditions by which a limited number of strategically important projects may make time-limited use of the BtM power generation. Wording has strengthened the need for applicants to show how they are limiting emissions; however, the inclusion of BtM power generation increases risks associated with air



quality impacts. Text associated with reducing water and energy usage has been removed from this section; however, these principles remain present within the Criteria for Good Design and Water Quality and Resources section;

- A new Coastal Change section to strengthen consideration of these potential impacts on European and Ramsar sites;
- General updates to align with the NPPF (updated in August 2026) and the mandatory requirements for BNG for NSIPs (effective from 2 November 2026); and
- A change in the threshold of rated IT load capacity from 50 to 100 MW, whereby considerations of this threshold alternative were updated in Section 7.1.6.

Overall, these updates do not alter the assessment undertaken to date. With the exception of three mitigation measures, indicated by the grey cells in Table 6-1, the proposed mitigation measures remain agreed to and are reflected in the most recent version of the draft NPS. The key mitigation measure remains unaccepted and therefore, HRA Stage 3: Derogations must be undertaken for the draft NPS.



7.0 Stage 3: Derogations

It was not possible for Stage 2: Appropriate Assessment to objectively exclude adverse effects on site integrity as a result of the draft NPS for data centres, alone or in combination. Therefore, Stage 3: Derogations comprising of three legal tests which must be undertaken in the following order:

- 1 There are no feasible alternative solutions that would be less damaging or avoid damage to the site.
- 2 The proposal needs to be carried out for imperative reasons of overriding public interest.
- 3 The necessary compensatory measures can be secured.

7.1 Test 1: Consider Alternative Solutions

As outlined in A.4.4, an alternative solution is acceptable if:

- achieves the same overall objective as the original proposal;
- is financially, legally and technically feasible; and
- is less damaging to the European site and does not have an adverse effect on the integrity of this or any other European site.

The absence of feasible alternative solutions must be demonstrated before the assessment can move on to the next test.

The five alternative solutions considered were:

- Do Nothing, retaining a 'business as usual' approach;
- NPS with key mitigation measure adopted;
- Utilising National Development Management Plans (NDMPs);
- Updating existing data centre sites with greater capacity; and
- Increasing the use of overseas data centres.

Alongside these, alternative options for thresholds for national significance have also been considered (Table 7-1). The draft NPS proposes to set the threshold of application at ≥ 100 MW, with data centres equal to or greater than 100 MW considered nationally significant. The threshold refers to IT load, which is a way of judging the capacity of data centres.



Table 7-1: Threshold alternatives for data centres

Threshold	Option	Description
Lower threshold + Cluster	Option 1:	The NPS applies to all data centre applications
	Option 2:	The NPS will apply only to ≥ 10 MW data centres
	Option 2a:	The NPS will apply to ≥ 10 MW data centres and to a < 10 MW data centre if it is joining an existing cluster of data centres which collectively will have a capacity of ≥ 10 MW
	Option 2b:	The NPS will apply to ≥ 10 MW data centres and to proposals for a cluster of data centres which collectively will have a capacity of ≥ 10 MW
Medium threshold + Cluster	Option 3:	The NPS will apply only to ≥ 50 MW data centres
	Option 3a:	The NPS will apply to ≥ 50 MW data centres and to a < 50 MW data centre if it is joining an existing cluster of data centres which collectively will have a capacity of ≥ 50 MW
	Option 3b:	The NPS will apply to ≥ 50 MW data centres and to proposals for a cluster of data centres which collectively will have a capacity of ≥ 50 MW
Proposed	Option 4:	The NPS will apply only to ≥ 100 MW data centres
Higher threshold + Cluster	Option 4a:	The NPS will apply to ≥ 100 MW data centres and to a < 100 MW data centre if it is joining an existing cluster of data centres which collectively will have a capacity of ≥ 100 MW
	Option 4b:	The NPS will apply to ≥ 100 MW data centres and to proposals for a cluster of data centres which collectively will have a capacity of ≥ 100 MW

7.1.1 Alternative 1: Do Nothing

Without an NPS for data centres, developers could use NSIP under Section 35 of the Planning Act 2008 (the exact wording is 'The Secretary of State may give a direction for development to be treated as development for which development consent is required'), for a data centre to be approved as a type of 'business or commercial' project under existing categories for storage.

The overall objective of the draft NPS is to set out the framework for making decisions on NSIP planning applications for data centres. It also provides information to applicants on the considerations required when making an application, describing the impacts and assessments required. The presumption is in favour of data centre developments which meet the required thresholds and assessment criteria, or the Secretary of State may direct the development as being 'nationally significant' under the NPS, if deemed appropriate and beneficial to do so. Alternative 1 will not achieve the same objective as uncertainty remains for data centre proposals which would be considered as 'nationally significant'. Proposals would continue to be assessed at the local planning level with differences in local planning policies, rather than strategically at the national level to support the Government's prioritisation of sustainable investment in the data centre sector. This would result in a less coordinated and consistent approach to assessment and in particular consideration of in combination effects.

Alternative 1 is anticipated to be financially, legally and technically feasible as no changes would occur to processes or legislation that data centre proposals currently adhere to.

Potential impacts, LSEs and adverse effects on the integrity of European and Ramsar sites would continue to be assessed within project level HRAs. The consideration of this



alternative solution is undertaken at a strategic level, therefore potential impacts, LSEs and adverse effects on site integrity will be high level and precautionary. There is potential that Alternative 1 would result in no, or lesser, effect on site integrity as it would be more difficult for proposals to pass the three legal tests of HRA Stage 3: Derogations, in particular Test 2: Consider IROPI, due to the uncertainty of 'nationally significant' data centres. Therefore, proposals may instead be proposed in locations where mitigation measures can be secured and HRAs concluded at Stage 2: Appropriate Assessment. Conversely, the designation of data centres as Critical National Infrastructure (CNI) may be used to pass Test 2. On balance, there is no certainty that Alternative 1 would avoid or have a lesser effect on site integrity as this, like the draft NPS, will be dependent on the specific locations of the proposals and its associated impacts, pathways and effects.

7.1.2 Alternative 2: NPS with key mitigation measure adopted

This alternative would be the draft NPS with the adoption of the key mitigation measure, whereby the NPS would not permit data centre proposals which have adverse effects on site integrity, adverse effects could be objectively excluded and the subsequent HRA Stage 3: Derogations would not be required.

The overall objective would not be achieved as this alternative would be at odds to the Government position to promote growth through the planning system for data centres. It would also contrast with the principle of CNI status for data centres as increases in these proposals would not be sufficient if proposals are not able to progress to HRA Stage 3.

Alternative 2 is anticipated to be financially, legally and technically feasible as data centres could continue to be built. However, it is anticipated that the adoption of the key mitigation measure would limit the investment in data centre proposals and as, described above, the growth would not be sufficient for the UK and its CNI needs.

This alternative would result in no effects on site integrity as all proposals would be required to conclude at HRA Stage 2: AA or even earlier; having avoided adverse effects or included mitigation measures enabling adverse effects to be excluded.

7.1.3 Alternative 3: Use of NDMPs

The Levelling-up and Regeneration Act 2023¹⁸ establishes a new category of national planning policies: NDMPs. NDMPs will be drawn up by the Secretary of State for Ministry of Housing, Communities and Local Government and sit alongside local plans in decision making on planning applications. NDMPs will be Government policies which decide how land is used in England. They will be material considerations as opposed to overriding local plans as initially designed.

Alternative 3 will not achieve the same overall objective as the draft NPS. NDMPs set out broad, nationally applicable development management policies. They are not sector-specific and would therefore not provide the strategic direction, clarity, or certainty required to support the coordinated rollout of data centres across England. NDMPs would also not define sector-specific objectives, set out future capacity requirements, or address delivery timescales that underpin the draft NPS.

NDMPs are not yet in force and therefore, they are not considered to be financially, legally and technically feasible until further detail on the scope of these plans is made available.

There is potential that Alternative 3 would result in no, or lesser, effects on site integrity as NDMPs may introduce strategic land use policies which protect European and Ramsar sites

¹⁸ HM Government (2023) Levelling-up and Regeneration Act 2023. Available at: <https://www.legislation.gov.uk/ukpga/2023/55/contents/enacted> [Accessed: 02/01/2025].



from potential impacts, pathways and effects. However, as these are not yet developed it is not certain that this would be the case.

7.1.4 Alternative 4: Upgrade existing data centre sites

This alternative would involve the upgrading, retrofitting and refurbishing of existing data centres to help meet the overall objective of the draft NPS. However, the demand for data is growing exponentially and it is considered highly unlikely that the upgrading of existing data centres will be sufficient to meet this demand or maximise opportunities for sustainable growth within this sector. Alternative 4 is therefore not considered able to achieve the same overall objective as the draft NPS.

Alternative 4 is considered financially, legally and technically feasible; however, as described above it is not considered to be sufficient for the needs of UK citizens and use of data centres.

The works associated with the upgrading of existing data centres has potential to result in no, or lesser effects on site integrity as these could be confined to existing developed areas and therefore, avoid impacts such as habitat loss, physical damage or disturbance. However, it is not possible to exclude potential impacts, pathways or effects as this will be dependent on the nature of the upgrades.

7.1.5 Alternative 5: Increase the use of overseas data centres

This alternative would involve the storage of data in locations outside of England. The demand for data storage is not required to be met within the same country, and therefore, this alternative may allow for lower operating costs, utilisation of technological advances in other countries and quicker routes to accessing data when compared to using existing data centres. However, the reliance on overseas data centres would increase latency, meaning that they are not suitable for many future technology applications. Data sovereignty and strategic autonomy are also concerns to over-reliance on overseas data centres. The UK can set its own data protection, data security rules, and manage its own resilience planning. It is therefore better able to calibrate regulatory operating parameters for data infrastructure physically located in the UK. Therefore, Alternative 4 will not achieve the same overall objective as the draft NPS and is also not considered financially, legally or technically feasible.

The use of overseas data centres would result in no or lesser, effects on site integrity for the European and Ramsar sites described in Section 3.3 and 4.1, i.e. mainly associated with UK countries and their territorial waters as pathways would instead be located within overseas countries. Depending on their location and scale there is potential that additional impact pathways would need to be considered and previously identified pathways would not be able to be excluded.

7.1.6 Threshold Alternatives

Alternative options for thresholds for data centres which would be considered within the NPS and defined as 'nationally significant' were grouped considering those within a lower and higher threshold than the proposed ≥ 100 MW data centres, and clustering of data centres. All of the options would achieve the same overall objective, with Option 1 providing the greatest support to increasing data centre capacity within the UK as all data centre applications would be considered under the NSIP regime. All of the options are also considered to be financially, legally and technically feasible as they would fall under the NSIP regime and be supported by the NPS to ensure data centre developments within the UK are coordinated and consistently assessed.

The potential for the threshold alternatives to have a less damaging or no adverse effect on European or Ramsar sites is discussed in Table 7-2. As the location of the data centre



applications is unknown for all options, it is not possible to exclude likely significant effects on European or Ramsar sites. Therefore, none of the threshold options are less damaging than the proposed Option 4.

Table 7-2: Consideration of effects of threshold alternatives on European and Ramsar sites

Option	Less damaging to the European or Ramsar site?
Option 1	- This option may result in the largest number of applications being processed under the NSIP regime. - A greater number of applications would increase the risk of one of these being located near to a European or Ramsar site. - This option could lead to smaller data centre applications being processed under the NSIP regime, which could generally have a smaller zone of influence than larger sites. - The main contributing factor to potential effects is the location of the data centres, which is unknown at this strategic scale of the NPS. - It would not be possible to exclude potential impacts, pathways and effects on European or Ramsar sites for this option.
Option 2	- This option may result in more applications processed under the NSIP regime than Option 3 and 4 and less than Option 1. - A greater number of applications would increase the risk of one of these being located near to a European or Ramsar site. - This option could lead to smaller data centre applications (≥ 10 MW) being processed under the NSIP regime, which could generally have a smaller zone of influence than larger applications. - The main contributing factor to potential effects is the location of the data centres, which is unknown at this strategic scale of the NPS. - It would not be possible to exclude potential impacts, pathways and effects on European or Ramsar sites for this option.
Option 2a	- This option may result in more applications processed under the NSIP regime than Option 3 and 4 and less than Option 1. - A greater number of applications would increase the risk of one of these being located near to a European or Ramsar site. - This option could lead to a greater zone of influence due to data centres joining a cluster. - The main contributing factor to potential effects is the location of the data centres, which is unknown at this strategic scale of the NPS. - It would not be possible to exclude potential impacts, pathways and effects on European or Ramsar sites for this option.
Option 2b	As above for Option 2a.
Option 3	- This option may result in more applications processed under the NSIP regime than Option 4 and less than Option 1 and 2. - A greater number of applications would increase the risk of one of these being located near to a European or Ramsar site. - This option could lead to only medium and larger data centre applications (≥ 50 MW) being processed under the NSIP regime, which could generally have a larger zone of influence than smaller applications. - The main contributing factor to potential effects is the location of the data centres, which is unknown at this strategic scale of the NPS.



Option	Less damaging to the European or Ramsar site?
	It would not be possible to exclude potential impacts, pathways and effects on European or Ramsar sites for this option.
Option 3a	- This option may result in more applications processed under the NSIP regime than Option 4 and less than Option 1 and 2. - A greater number of applications would increase the risk of one of these being located near to a European or Ramsar site. - This option could lead to a greater zone of influence due to data centres joining a cluster. - The main contributing factor to potential effects is the location of the data centres, which is unknown at this strategic scale of the NPS. - It would not be possible to exclude potential impacts, pathways and effects on European or Ramsar sites for this option.
Option 3b	As above for Option 3a.
Proposed Option 4	-
Option 4a	- This option may result in fewer applications processed under the NSIP regime than Options 1, 2 and 3. - Fewer applications would reduce the risk of one of these being located near to a European or Ramsar site. - This option could lead to a greater zone of influence due to data centres joining a cluster. - The main contributing factor to potential effects is the location of the data centres, which is unknown at this strategic scale of the NPS. - It would not be possible to exclude potential impacts, pathways and effects on European or Ramsar sites for this option.
Option 4b	As above for Option 4a.

7.1.7 Test 1 Conclusion

None of the Alternatives 1 to 5 provide a more effective means of delivering the Government's strategic objectives for data centres and are less damaging to European or Ramsar sites in comparison to the draft NPS. This was also the case for the threshold alternatives; therefore, Test 1 is passed as there are no alternative solutions and Test 2 must be undertaken.

7.2 Test 2: Consider IROPI

Test 2 will consider IROPI, which will address the below points to determine whether the draft NPS for data centres can proceed for these reasons:

- Imperative:** it's essential that it proceeds for public interest reasons;
- Overriding:** the public interest outweighs the harm, or risk of harm, to the integrity of any site that's predicted by the AA; and
- In the public interest:** it has benefits for the public, not just benefits for private interests.

As these reasons are interlinked they are discussed collectively in the below paragraphs.

The NPS for data centres has a consistent thread throughout the document to outline the need for nationally significant data centres and the increase in infrastructure to support UK citizens in their everyday lives. The UK Government recognises this as they state that they



“facilitate a range of services that play an ever-increasing role in our economy, including cloud services, high-performance computing, online content delivery, and internet services. These underpin countless applications, from everyday consumer services – such as social media, email, online banking, e-commerce, and video conferencing – to advanced analytics, machine learning, and other specialised industrial activities.”

On Thursday 12th of September, UK data centres were designated as CNI, solidifying the importance of digital infrastructure in the event of critical incidents and minimising impacts on the economy. Many public services, such as healthcare, education (e.g. for remote learning), defence, and critical infrastructure (transport, electricity grids), increasingly rely on secure data hosting and real-time data processing. Secure domestic data centre capacity is vital to ensuring these services remain operational and safeguarded against disruption. Data centres are now on an equal footing to water, energy and emergency services systems; therefore, the sector can now expect greater government support in recovering from and anticipating critical incidents, giving the industry greater reassurance when setting up business in UK and helping generate economic growth for all.

Analysis undertaken by TechUK¹⁹ in 2024 indicates that data centres were contributing £4.7 billion in Gross Value Added to the UK economy and 43,500 jobs. They are also estimated to contribute £640 million in tax. This work also estimates between 10 and 20% growth year-on-year for data demand. This demonstrates the need for rapid growth within this sector to expand data centre capacity in the UK, supporting the digital economy and enabling AI-driven growth while ensuring data infrastructure is secure and resilient. The establishment of an NPS clarifies data centres which are ‘nationally significant’ that can use the NSIP process, ensuring rapid, consistent and nationally strategic decision-making. This will help to maintain investor confidence, securing ongoing capital needed to modernise digital infrastructure.

Further details are outlined within the NPS, in particular in Section 4 – The Need for New Nationally Significant Data Centres.

7.2.1 Test 2 Conclusion

The strategic nature of the NPS requires a high level and precautionary approach to assessing the harm, or risk of harm, to the integrity of any site predicted by the AA. For the reasons outlined above it is considered that they outweigh the potential adverse effects on site integrity. The benefits of nationally significant data centres and associated guidance within the NPS will bring about far-reaching benefits to the public in the UK across numerous sectors as they underpin so many aspects of modern life. Test 2 is considered to be passed for the draft NPS, this is not applicable to individual data centre developments as this will need to be assessed within a project-level HRA considering the specific details relevant to that proposal. As both Test 1 and 2 have been passed, it is possible to proceed to Test 3.

7.3 Test 3: Secure Compensatory Measures

The consideration of compensatory measures must be undertaken to clearly demonstrate that the desired outcomes will be delivered. The development of compensatory measures will consider:

- how technically feasible and effective the measures will be - based on scientific evidence and previous examples;

¹⁹ TechUK (20224) Foundations For The Future: How Data Centres Can Supercharge UK Economic Growth. Available at: <https://www.techuk.org/resource/techuk-report-foundations-for-the-future-how-data-centres-can-supercharge-uk-economic-growth.html> [Accessed: 07/01/2026].



- how financially viable the measures are - the proposer must have enough funds to cover costs;
- how the compensation would be carried out, including how it'll be managed and monitored over the time that's needed, and how it's been secured;
- distance from the affected site - compensation closer to the site is generally preferred, unless measures further away will benefit the network of European sites as a whole; and
- how long the compensatory measures will take to reach the required quality and amount of habitat.

In principle, compensatory measures must be in place and effective before the adverse effects occur. Once identified and secured, the plan can then be adopted. Further details are outlined in Appendix A.4.4.

Due to the site agnostic and strategic level of the draft NPS, this HRA cannot consider compensatory measures in detail. These must be developed with reference to the specific European or Ramsar sites affected and fully offset the damage which will or could be caused to these sites and the relevant qualifying features. The draft NPS has outlined the HRA process relevant for project level assessment and the need to secure compensatory measures as the last priority in the process. As outlined above, project level HRAs must not rely on the case for IROPI contained within this report, reasons must be outlined and considered with greater specificity on potential adverse effects for relevant European and Ramsar sites and their qualifying features.

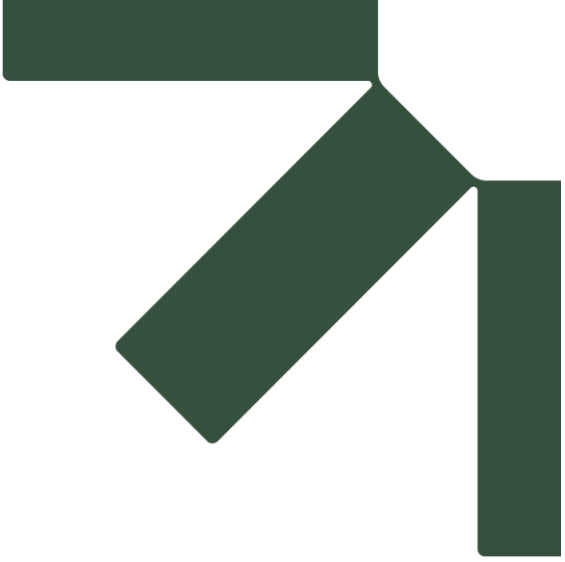


8.0 Conclusion

The draft NPS for data centres is a strategic level document which does not detail specific spatial locations for development. The NPS itself is not directly connected with or necessary to the management of any listed or proposed European and Ramsar sites. All three stages of the HRA process were undertaken as LSEs could not be objectively excluded due to the draft NPS alone or in combination at Stage 1. Mitigation within the draft NPS was considered at Stage 2: AA and additional mitigation measures were proposed to reduce the risks of adverse effects on site integrity. These were reviewed and accepted by BIST to update the draft NPS. However, the key mitigation measure, to not permit data centre proposals which have adverse effects on site integrity, was not able to be accepted and therefore Stage 3 was undertaken.

None of the Alternatives 1 to 5 provide a more effective means of delivering the Government's strategic objectives for data centres and are less damaging to European or Ramsar sites in comparison to the draft NPS. This was also the case for the threshold alternatives; therefore, Test 1 is passed as there are no alternative solutions and Test 2 must be undertaken. It was possible to conclude that the draft NPS for data centres is necessary for IROPI. Specific data centre proposals will still be required to consider IROPI in the context of their potential adverse effects on relevant European or Ramsar sites and their qualifying features. Test 3: Secure Compensatory Measures cannot be undertaken for the draft NPS as it must be specific to the project and the adverse effects identified, if relevant. Therefore, the draft NPS can be designated following completion of this HRA.





Appendix A Relevant Legislation, Policy, Case Law and Guidance

Habitats Regulations Assessment

National Policy Statement for Data Centres

Department for Business, Innovation, Science and Trade

SLR Project No.: 422.065567.00001

27 October 2026

A.1 Legislation

A.1.1 Conservation of Habitats & Species Regulations 2017 (as amended)

The requirement for the HRA is set out within Article 6 of the Habitats Directive 92/43/European Economic Community (EEC) of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora. This has been transposed into British law by the Conservation of Habitats & Species Regulations 2017 (as amended), also known as the 'Habitats Regulations'.

The Habitats Regulations afford protection to European sites and their interest features. Part 6 of the Conservation of Habitats and Species Regulations 2017 (as amended) sets out the requirements for screening assessments, the circumstances under which an Appropriate Assessment (AA) is required and the further implementation of Article 6(3) and 6(4) of the Habitats Directive.

The UK left the European Union (Brexit) on Exit Day, 31st January 2020, followed by Completion Day on 31st December 2020. The EU Exit Regulations (2019) establish any EU Exit-related changes to the Habitats Regulations (2017), with these considered to have no material implications on the requirement or process for a HRA of a Plan. After Brexit, UK sites designated under the Habitats Regulations became part of the National Site Network (as defined in the interpretation sections of the Habitat Regulations (2017)), with a focus on maintaining ecological coherence throughout the UK.

A.1.2 Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended)

These Regulations transpose the Habitats Directive (92/43/EEC) and Wild Birds Directive (2009/147/EC) in the UK offshore marine area, which includes areas beyond 12 nautical miles from the coastal baseline and out to 200 nautical miles.

A.1.3 The Environment Act (2021)

The Environment Act passed into UK law in 2021 to protect and enhance the environment for future generations. The Act sets legally binding targets to halt the decline in species by 2030, require new developments to improve or create habitats and deliver interim Environmental Improvement Plans, including interim targets. In 2018, the 25 Year Environment Plan²⁰ set out government actions to help the natural world regain and retain good health through ten goals. This plan was reviewed and refreshed in 2023, in line with the Environment Act 2021, to produce the Environmental Improvement Plan²¹ and reinforces the vision and sets out the plan to deliver against the ten goals. The apex goal, **Goal 1**: Thriving plants and wildlife, is supported by the other nine goals:

- **Goal 2:** Clean air;
- **Goal 3:** Clean and plentiful water;
- **Goal 4:** Managing exposure to chemicals and pesticides;

²⁰ HM Government (2018) A Green Future: Our 25 Year Plan to Improve the Environment. Available at: <https://assets.publishing.service.gov.uk/media/5ab3a67840f0b65bb584297e/25-year-environment-plan.pdf> [Accessed: 28/8/25].

²¹ HM Government (2023) Environmental Improvement Plan 2023 First revision of the 25 Year Environment Plan. Available at: <https://assets.publishing.service.gov.uk/media/64a6d9c1c531eb000c64ffa/environmental-improvement-plan-2023.pdf> [Accessed: 28/8/25].



- **Goal 5:** Maximise our resources, minimise our waste;
- **Goal 6:** Using resources from nature sustainably;
- **Goal 7:** Mitigating and adapting to climate change;
- **Goal 8:** Reduced risk of harm from environmental hazards;
- **Goal 9:** Enhancing biosecurity; and
- **Goal 10:** Enhanced beauty, heritage, and engagement with the natural environment.

A.2 Policy

A.2.1 National Planning Policy Framework (2026)

In addition to the Habitats Regulations, UK Government policy (Office of the Deputy Prime Minister Circular 06/2005) states that internationally important wetlands designated under the Convention on Wetlands 1971, called the Ramsar Convention (Ramsar sites) are afforded the same protection as SPAs and SACs for the purpose of considering development proposals that may affect them. The Government also affords the same level of protection to potential SPAs (pSPAs), possible SACs (pSACs) and proposed Ramsar sites and to sites identified, or required, as compensatory measures for adverse effects on any of the above sites, through planning policy such as the National Planning Policy Framework²².

Policy **N6: Areas of particular importance for biodiversity and geodiversity** states that:

“To support the conservation of important habitats, species and sites of geodiversity value, development proposals affecting:

a. A site of international importance, which for the purpose of this policy is a habitats site, should be refused unless:

i. An appropriate assessment has concluded that the proposal will not adversely affect the integrity of the site (either individually or in combination with other developments), or the proposal can satisfy the derogation tests²³; and/or

ii. The impact of development on the relevant protected features of the protected site is being addressed through an Environmental Delivery Plan which has been made and the developer has committed to paying the nature restoration levy.”

A.3 Case Law

A.3.1 C-323/17 People Over Wind

In April 2018, the judgement for this case clarified that mitigation measures to avoid or reduce harmful effects on a listed or proposed European and Ramsar site(s) cannot be taken into account during the screening stage for the purposes of decision making and must instead progress through to the AA stage. This is relevant for HRAs undertaken at both the plan and project level.

²² Ministry of Housing, Communities & Local Government (2026) National Planning Policy Framework. Available at: https://assets.publishing.service.gov.uk/media/6aabe97844ec1aa417346c0b/National_Planning_Policy_Framework.pdf [Accessed: 07/10/26].

²³ These being that there are no feasible alternative solutions to the proposal which are less damaging, there are imperative reasons of overriding public interest for it to proceed, and compensatory measures are secured to ensure that the overall coherence of the network of habitats sites is maintained.



A.3.2 C-164/17 Grace and Sweetman

In July 2018, the judgement for this case clarified the distinction between mitigation and compensation in relation to HRA. *“It is only when it is sufficiently certain that a measure will make an effective contribution to avoiding harm, guaranteeing beyond all reasonable doubt that the project will not adversely affect the integrity of the area, that such a measure may be taken into consideration when the appropriate assessment is carried out. ...As a general rule, any positive effects of the future creation of a new habitat, which is aimed at compensating for the loss of area and quality of that habitat type in a protected area, are highly difficult to forecast with any degree of certainty or will be visible only in the future.”* Therefore, they can only be taken into account following the AA stage and passing of the three tests at the Derogations stage.

A.3.3 C-293/17 and C-294/17 Dutch Nitrogen cases

In November 2018, the judgement for these joined cases clarified that *“it is only when it is sufficiently certain that a measure will make an effective contribution to avoiding harm to the integrity of the site concerned, by guaranteeing beyond all reasonable doubt that the plan or project at issue will not adversely affect the integrity of that site, that such a measure may be taken into consideration in the ‘appropriate assessment’”* and *“The appropriate assessment of the implications of a plan or project for the sites concerned is not to take into account the future benefits of such ‘measures’ if those benefits are uncertain, inter alia because the procedures needed to accomplish them have not yet been carried out or because the level of scientific knowledge does not allow them to be identified or quantified with certainty.”*

A.3.4 C-461/17 Holohan v An Bord Pleanála

In November 2018, the judgement for this case clarified that an AA must consider the listed or proposed European and Ramsar site and its qualifying features as well as the implications of the proposed project *“for habitat types and species to be found outside the boundaries of that site, provided that those implications are liable to affect the conservation objectives of the site.”* It also clarified that *“where the competent authority rejects the findings in a scientific expert opinion recommending that additional information be obtained, the ‘appropriate assessment’ must include an explicit and detailed statement of reasons capable of dispelling all reasonable scientific doubt concerning the effects of the work envisaged on the site concerned.”*

A.3.5 EWHC 351 Wealden District Council v Secretary of State for Communities And Local Government & Ors 2017 (Admin)

In March 2017, the judgement for this case clarified that it requires an in combination assessment considering the effects of other projects, which in this case resulted in an exceedance of the 1,000 Annual Average Daily Traffic threshold.

A.4 Guidance

A.4.1 Guidelines on the assessment of transboundary impacts of energy developments on Natura 2000 sites outside the UK (2015)²⁴

The Department of Energy & Climate Change published guidelines in 2015 on how the Secretary of State intends to consider the impact of energy developments on listed and

²⁴ Department of Energy & Climate Change (2015) Guidelines on the assessment of transboundary impacts of energy developments on Natura 2000 sites outside the UK. Available at:



proposed European and Ramsar sites in other Member States. This is particularly relevant for consideration of potential impacts affecting highly mobile species such as marine mammals and seabirds.

A.4.2 Government guidance – Appropriate assessment: Guidance on the use of Habitats Regulations Assessment (2019)²⁵

UK government guidance has been published on the use of HRA and AA. It provides further agreement in light of the People Over Wind Case (Section A.3.1) and clarification on features that are integral to the design or physical characteristics of the project that is being assessed. These may include the layout, timing and location of a scheme, which may be considered at the screening stage.

A.4.3 Assessment of plans and projects in relation to Natura 2000 sites (2022)²⁶

The European Commission supports a broad interpretation of the terms ‘plan’ and ‘project’ in the implementation of Article 6(3). The term ‘plan’ includes land-use or spatial plans and sectoral plans (e. g. for transport, energy, water management) and includes National Policy Statements. Implicit in the Habitats Directive is the application of the precautionary principle, i.e. that absence of scientific evidence on the significant negative effect of an action cannot be used as justification for approval of this action. The emphasis of the assessment should thus be on objectively demonstrating, with supporting evidence, following the three stages.

A.4.4 Government guidance – Habitats regulations assessments: Protecting a European site (2023)²⁷

HRA Principles

If the proposal is a plan or project that could affect a European site, you will need to:

- understand the conservation objectives for the relevant European site affected - these describe the ecological reasons for its protection - you can find these on the designated sites databases for England or Wales
- use these databases to find out about existing threats or pressures on the site - this can include the effects of any unregulated activities or the effects of permissions given in the past
- consider all possible effects of the proposal, at every phase, on the designated features of the site - include impacts that are direct and indirect, temporary and permanent
- consider possible combined effects on the site with other plans and projects

https://assets.publishing.service.gov.uk/media/5a8048b7e5274a2e87db8ecf/transboundary_guidelines.pdf
[Accessed: 28/8/25].

²⁵ Ministry of Housing, Communities and Local Government, Ministry of Housing, Communities & Local Government (2018 to 2021) and Department for Levelling Up, Housing and Communities (2019) Guidance Appropriate assessment Guidance on the use of Habitats Regulations Assessment. Available at: <https://www.gov.uk/guidance/appropriate-assessment> [Accessed: 27/8/25].

²⁶ European Commission: Directorate-General for Environment (2022) Guidance document on assessment of plans and projects in relation to Natura 2000 sites – A summary. Available at: <https://data.europa.eu/doi/10.2779/086397> [Accessed 28/8/25].

²⁷ Department for Environment, Food & Rural Affairs, Natural England, Welsh Government, and Natural Resources Wales (2023) Guidance Habitats regulations assessments: protecting a European site. Available at: <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site> [Accessed: 27/8/25].



- make judgements based on the facts of the individual situation and the ecological condition of the site's features
- use the best available objective and scientific information to make confident decisions
- work with the proposer to find a way to allow projects or adopt plans while still protecting sites, if possible
- ask for information from the proposer that's proportionate, for example only ask for the information or evidence you need to meet the regulations
- consider the advice you get from the relevant SNCB
- keep a detailed written record of the HRA and give clear reasons and evidence for your decisions
- make sure your assessment is thorough and complete with clear and precise conclusions

You should also:

- agree with the proposer, at the start, what evidence they need to provide, for example, agreeing evidence plans for NSIPs
- talk to relevant experts or specialists as early as possible
- decide whether you should consult the public on your assessment

A precautionary approach must be undertaken with decisions at each stage of the HRA process.

Stage One: Screening

This step is a simple assessment to check or screen if a proposal:

- is directly connected with or necessary for the conservation management of a European site
- risks having a significant effect on a European site on its own or in combination with other proposals

You should consider the proposal's integral design features or characteristics, such as its layout, timing and location to inform your screening decision. These may mean that any risk to a European site is avoided and you do not need to do an appropriate assessment.

At this stage, you should not consider any mitigation measures included by the proposer for the purpose of avoiding or minimising risk to a European site. These mitigation measures need to be considered at the appropriate assessment stage.

Conservation management proposals

You must first check if the whole proposal is for the conservation management of the habitats or species for which the European site has been designated. If it is, you do not need to carry out an appropriate assessment.

You must continue screening the proposal if it contains:

- conservation management that could negatively affect a different feature or a different European site
- non-conservation management activities, such as development, commercial operations or recreational events



Assess the likely significant effect

You must check if the proposal could have a significant effect on a European site that could affect its conservation objectives.

You should check if there's a risk or possibility of a significant effect based on the evidence. You should only consider real, not hypothetical risk.

You should consider:

- the area over which the proposed activity would take place
- any overlaps or interaction with the protected features of a site in a direct or indirect way
- the effect of any essential parts of the proposal, such as its location, timing or design

If you cannot rule out the risk of the proposal having a significant effect, you will need to do an appropriate assessment.

Check for combined effects

Your proposal alone may have an effect on a European site that's not significant. You must check if this effect could combine with any other proposal planned or underway and affects the same site, that on its own also does not have a significant effect. If, in combination, your proposal could have a significant effect on the European site, you will need to do an appropriate assessment.

Check for proposals being dealt with by other competent authorities, such as:

- applications for a new permission
- applications to change an existing permission
- granted permissions that have not begun or been completed
- granted permissions that need renewing
- plans that have been drafted but not yet adopted

A proposal, alone or in combination with other proposals, could cause a significant effect on a European site if there's:

- a reduction in the amount or quality of designated habitats or the habitats that support designated species
- a limit to the potential for restoring designated habitats in the future
- a significant disturbance to the designated species
- disruption to the natural processes that support the site's designated features
- only reduction or offset measures in place

If there's no likely significant effect on the site, either alone or in combination, then you do not need to carry out an appropriate assessment.

You should record your screening decision and your reasons for it.

Stage Two: Appropriate Assessment

You must carry out an appropriate assessment if you:

- decide there's a risk of a likely significant effect on a European site
- do not have enough evidence to rule out a risk



The assessment should be:

- more detailed and thorough than the screening check
- appropriate for the nature and complexity of the proposal and allow you to carry out the integrity test

Your appropriate assessment should:

- assess the likely significant effects of a proposal on the integrity of the site and its conservation objectives
- consider ways to avoid or reduce (mitigate) any potential for an ‘adverse effect on the integrity of the site’

Test the integrity of the site

Your appropriate assessment must show whether an adverse effect on the integrity of the site from the proposal can be ruled out or not.

The integrity of the site will be adversely affected if a proposal could, for example:

- destroy, damage or significantly change all or part of a designated habitat
- significantly disturb the population of a designated species, for example, its breeding birds or hibernating bats
- harm the site’s ecological connectivity with the wider landscape, for example, harm a woodland that helps to support the designated species from a nearby European site
- harm the site’s ecological function, or its ability to survive damage, and reduce its ability to support a designated species
- change the site’s physical environment, for example, by changing the chemical makeup of its soil, increasing the risk of pollution or changing the site’s hydrology
- restrict access to resources outside the site that are important to a designated species, for example, food sources or breeding grounds
- prevent or disrupt restoration work, or the potential for future restoration, if it undermines the site’s conservation objectives

You must be able to rule out all reasonable scientific doubt that the proposal would not have an adverse effect on the integrity of the site before you can allow the proposal to go ahead.

How to assess effects on site integrity

To carry out the assessment and apply the integrity test, you should consider:

- the ecological requirements, conservation objectives and the current conservation status (if known) of the site’s designated features that might be affected by the proposal
- each potential effect on the European site, including the risk of combined effects with other proposals, and how they might impact on the site’s conservation objectives
- the scale, extent, timing, duration, reversibility and likelihood of the potential effects
- how certain you are of the effects occurring
- mitigation measures that have been proposed or conditions you can attach to avoid or limit the effects



- how confident you can be that mitigation measures will be effective over the whole lifetime of the proposal - for example, the effects of construction, operation and decommissioning

You must consult the relevant SNCB and you should send them a copy of your draft appropriate assessment. You must consider the advice you get back. You should only disagree with the advice if you have a good reason.

You should keep a record of your final appropriate assessment, particularly if you're not following the SNCB's advice. You may need it as evidence if, for example, there's an appeal or freedom of information request.

Consider mitigation measures

As part of your appropriate assessment, you should consider any mitigation measures that have been included as part of the proposal to remove or reduce potential adverse effects.

You or the proposer can get advice on mitigation measures from the relevant SNCB or an ecological adviser.

You should assess what difference the mitigation measures would make to the effects of the proposal on the site. You must be sure that the mitigation will be effective. To do this, your assessment will need to show:

- how the measures would be implemented and monitored, and how long for
- how you would enforce the measures if you had to
- how certain you are that the measures would work to avoid or reduce effects on the site
- how long it will take for the measures to take effect
- the level of success you expect, or what changes you'd make if monitoring shows the measures may fail

You must make sure that any necessary mitigation measures are put in place now and not wait for adverse effects to happen first.

Attach conditions

If mitigation measures are needed to avoid adverse effects, you should attach conditions or take other necessary steps to make sure the measures are carried out.

You can make conditions flexible. For example, you could remove conditions if it's clear from monitoring that the risk of negative effects is lower than first thought. You should consult the relevant SNCB to make sure the new conditions are still effective.

You should be sure you can enforce the conditions if you need to, and that the proposer is capable of fulfilling them.

Design or method conditions

You can attach conditions to the design features or methods of a proposal to avoid damaging sensitive habitats.

For example, for construction work near a watercourse, you could include the condition of creating a bund to stop sediment or pollution getting into the watercourse.

Timing conditions

You can attach timing conditions to avoid work taking place during sensitive times of year or day.

For example, to avoid disturbing:



- birds, seals and bats during their breeding season
- birds on land or at sea when they're resting or feeding during the winter months

Monitoring conditions

You can attach monitoring conditions to check whether the mitigation measures are working as expected. You can use monitoring as an early warning to identify the risk of any new potential impacts.

Monitoring conditions should clearly state what action the proposer will need to take to make sure adverse effects do not occur if either the:

- impacts are likely to be greater than expected
- mitigation might not be working as expected

Example of appropriate mitigation and conditions

An appropriate assessment of a proposed industrial development shows that lights and traffic from construction work could disturb a significant number of birds on a nearby European site designated for breeding birds.

You can attach conditions to the proposal so that it passes the integrity test. For example, to make sure that a proposer:

- installs temporary visual and acoustic screens around the construction work
- times the work to start and finish outside the birds' breeding season
- monitors the site to confirm whether the mitigation is successful
- adds extra measures if the original measures do not work as expected

Decide if the proposal passes or fails the integrity test

A proposal will pass the integrity test if your appropriate assessment can show that there is no reasonable scientific doubt that the proposal will not have an adverse effect on the integrity of the site.

This means you can carry out, allow or adopt the proposal - after assessing any other factors that you need to consider - such as noise pollution, landscape damage or flood risk.

If the proposal fails the integrity test because you cannot rule out an adverse effect on site integrity, you must reject the proposal in its current form. This means permission is not granted. The work cannot go ahead or the plan cannot be adopted unless it can pass 3 legal tests and be granted an exception, known as a 'derogation'.

Stage Three: Derogation

In certain circumstances, you can allow a proposal that's failed the integrity test to go ahead. This is known as a derogation.

You should tell the proposer as soon as possible if you'll consider a derogation on a proposal that's failed the integrity test. It must pass all 3 legal tests for a derogation to be granted.

Derogations: 3 legal tests

To decide if the proposal qualifies for a derogation, you must apply the 3 legal tests in the following order:

- 1 There are no feasible alternative solutions that would be less damaging or avoid damage to the site.



- 2 The proposal needs to be carried out for imperative reasons of overriding public interest.
- 3 The necessary compensatory measures can be secured.

You should make sure that you record all your findings, including a failed test.

Test 1: Consider alternative solutions

To allow a derogation you must decide that there's no alternative solution that would be less damaging to the site.

You should work with the proposer and consider whether any alternative solutions are available. This might include considering whether the proposal could:

- happen at a different location
- use different routes across a site
- change its scale, size, design, method or timing

Alternatives must be suitable

Alternatives need to meet the original objectives of the proposal.

An alternative solution is acceptable if it:

- achieves the same overall objective as the original proposal
- is financially, legally and technically feasible
- is less damaging to the European site and does not have an adverse effect on the integrity of this or any other European site

Examples of alternatives that may not meet the original objective include a proposal that:

- offers nuclear instead of offshore wind energy
- provides rail instead of road transportation
- protects fewer homes from flooding or needs people to relocate
- imports freight in a different way instead of increasing port capacity

The proposer should provide you with information about alternatives, or the lack of them. You will need to judge if there are any acceptable alternatives.

If there are, or appear to be, one or more alternative solutions, you cannot grant the original proposal a derogation and you must reject it. There's no need to do test 2 or test 3.

If there are no alternative solutions, the proposal passes test 1 and you can move to test 2.

Test 2: Consider imperative reasons of overriding public interest

If there are no feasible alternative solutions, you must next be able to show that there are imperative reasons of overriding public interest why the proposal must go ahead. These must justify the proposal, despite the damage it will or could cause to the European site.

You must decide if the proposal is:

- imperative - it's essential that it proceeds for public interest reasons
- in the public interest - it has benefits for the public, not just benefits for private interests
- overriding - the public interest outweighs the harm, or risk of harm, to the integrity of the European site that's predicted by the appropriate assessment



National strategic plans, policy statements and major projects are more likely to have a high level of public interest and be able to show they are imperative and overriding. Plans or projects that only provide short-term or very localised benefits are less likely to be able to show imperative reasons of overriding public interest.

Consider SACs with priority habitats or species and when you must get an opinion

Some of the designated habitats and species of SACs are considered to be a special priority for conservation. Examples of SAC priority habitats and species in England or Wales include:

- limestone pavements
- active blanket and raised bogs
- some coastal dunes
- yew woodland
- western rustwort - a rare liverwort

If priority features are present at a site, they will be listed on the site's conservation objectives. You can find these on the designated sites databases for England or Wales.

If your appropriate assessment has shown that the proposal has failed the integrity test on a SAC and a priority habitat or species would be affected, you can only normally consider the following reasons of public interest:

- human health
- public safety
- important environmental benefits

However, If you're considering other reasons of overriding public interest, such as social or economic benefits, you must get the opinion of the relevant national government in England or Wales.

If the proposal has imperative reasons of overriding public interest, it passes test 2 and you can move to test 3.

If the proposal does not have imperative reasons of overriding public interest, you cannot grant a derogation and there's no need to do test 3. You must refuse the proposal.

Test 3: Secure compensatory measures

If there are no feasible alternative solutions and you have shown that there are imperative reasons of overriding public interest, you need to make sure that compensatory measures will be taken. These measures will need to fully offset the damage which will or could be caused to the site.

You should work with the proposer and the relevant SNCB to identify, design and secure suitable compensatory measures. The proposer will be expected to pay for the compensatory measures.

The compensatory measures themselves must not have a negative effect on the national network of European sites as a whole, despite the negative effects of the proposal on an individual European site.

Compensatory measures can include creating or restoring the same or very similar habitat on areas of little or no conservation value:

- within the same site - if it exists
- at a suitable location outside the site



If the area providing compensatory measures is not within the European site, it should become designated as part of the European site. Until that happens, it's protected by government planning policy.

How to decide on compensatory measures

You must be confident that the measures will fully compensate for the negative effects of the proposal. You do not need to consider more compensation than is needed.

You should consider:

- how technically feasible and effective the measures will be - based on scientific evidence and previous examples
- how financially viable the measures are - the proposer must have enough funds to cover costs
- how the compensation would be carried out, including how it'll be managed and monitored over the time that's needed, and how it's been secured
- distance from the affected site - compensation closer to the site is generally preferred, unless measures further away will benefit the network of European sites as a whole
- how long the compensatory measures will take to reach the required quality and amount of habitat

Check compensatory measures are done

You should make sure the compensatory measures will go ahead as agreed and will remain in place all the time they're needed, which in most cases will be indefinitely. You should include these measures in the conditions attached to your permission. You must put in place all the necessary legal, technical, financial and monitoring arrangements.

Compensatory measures should usually be in place and effective before the negative effect on a site is allowed to occur.

Example of appropriate compensation measures

An application to expand a port will destroy a portion of mudflat. The mudflat is part of a European site designated for feeding birds. You grant permission because you decide there are:

- no alternatives that are less damaging
- imperative reasons of overriding public interest for the proposal to go ahead
- To compensate, the proposer must create replacement feeding habitat for the displaced birds before:
 - the expansion can go ahead
 - any existing habitat is damaged

Give permission under a derogation

If the proposal passes all 3 tests, you can allow it to go ahead under an HRA derogation.

Before you give your permission for a project, carry out a project yourself or adopt a plan, you must notify the Secretary of State for the relevant UK government department or Welsh Government. You should send them:

- a summary of the proposal
- details about the European sites affected



- your HRA that shows how you reached your decision that the proposal will or could have an adverse effect on the integrity of the sites
- evidence to show that there are no alternative solutions
- evidence to show that there are imperative reasons of overriding public interest for the proposal to go ahead
- details of the compensatory measures and evidence to show that they will work
- advice you received from the SNCB and other stakeholders, and how you considered it

You should use the HRA derogation notice form to submit this information.

What you get back

You should get a response within 21 calendar days. If you do not get a response within 21 days you can carry out, approve or adopt the proposal.

If the government is not satisfied that the proposal has met one or more of the 3 tests, it may tell you to reject or delay approval. This may be because it's not clear how the proposer will carry out compensatory measures.

Review existing plans and projects if European sites change

Sometimes an existing plan or project that you've previously approved or adopted could affect land, or an area of the sea, that:

- becomes a new European site
- is included in an extension to an existing European site
- supports additional habitat types or species that have been added to an existing European site

The Secretary of State for the Department for Environment, Food and Rural Affairs or Welsh Ministers designate or amend European sites.

The relevant SNCB will publish proposals for consultation before a decision is made to create or change a European site.

Any change means you'll need to review the decisions you made about proposals at the European site. You'll need to carry out a new HRA to see if there are any new negative effects on the site's integrity.

Work that has already taken place is not affected.

This review is important where you've previously approved a proposal, but work has either not started or has not finished, such as a large scale mineral extraction scheme.

You can contact the relevant SNCB on reviewing existing proposals.



A.4.5 Government guidance – Nationally Significant Infrastructure Projects: Advice on Habitats Regulations Assessments (2024)²⁸

Guidance has been published online to summarise the applicant and decision maker obligations under the Habitats Regulations in the context of NSIPs. This refers to the guidance and the stages outlined in Appendix A.4.3.

A.4.6 The Habitats Regulations Assessments Handbook (2024)²⁹

The Handbook has two principal objectives to:

- Improve the understanding and interpretation of the Habitats Regulations; and
- Aid consistency in applying their requirements in respect of plans and projects.

Part F in particular has been referred to in the preparation of this HRA as it provides practical guidance for the assessment of plans under the Regulations. The Handbook was terminated on the 30th January 2026.

²⁸ Planning Inspectorate (2025) Guidance Nationally Significant Infrastructure Projects: Advice on Habitats Regulations Assessments. Available at: <https://www.gov.uk/guidance/nationally-significant-infrastructure-projects-advice-on-habitats-regulations-assessments> [Accessed: 28/8/25].

²⁹ Tyldesley, D. and Chapman, C. (2013) The Habitats Regulations Handbook, November 2024 edition UK: DTA Publications Limited.





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